

PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, JANUARY 9, 2007

OFFICER'S CLUB, BUILDING 50

PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR

License No. 5527

ATTENDEES

RAB Members:
Doug Kern, Facilitator
Mark Youngkin
Craig Cooper
Brian Ullensvang
Devender Narala
Sam Berman
Sara Segal
Julian Hultgren
Michelle Passero
Jan Blum
Julie Cheever
Jan Monaghan
Jay Willner
Toni Kramer
Barbara Newton

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on January 9, 2007 at the Officer's Club, Building 50, Presidio of San Francisco, California, before me, MARK I. BRICKMAN, CSR No. 5527, State of California, there commenced a Restoration Advisory Board meeting under the provisions of the Presidio Trust.

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AGENDA

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1 FACILITATOR KERN: Welcome, everyone --
2 Happy New Year --

3 MR. NARALA: Happy New Year.

4 FACILITATOR KERN: -- to 2007 of the
5 regular meeting of the Presidio Restoration Advisory
6 Board. I'd like to welcome the Presidio Trust, our
7 regulatory community, our community RAB members and our
8 new community RAB members. Thank you for being here
9 today.

10 Craig also said four of our new members were
11 here on time, more of our regular RAB members. That is
12 much appreciated. Thank you.

13 Does everyone of have an agenda? Are there
14 any changes, suggestions, additions to today's agenda?

15 Any announcements? Old business and
16 committee report.

17 MR. YOUNGKIN: Well, we didn't have a
18 committee meeting in December because of the holidays and
19 we'll have our next committee meeting on the fourth
20 Tuesday, which is January -- anybody know?

21 MS. BLUM: Fourteen days from today.

22 MR. YOUNGKIN: 23rd.

23 FACILITATOR KERN: Well, that was quick and
24 to the point.

25 All right. Well, today's an important --

1 this evening's meeting is quite important. We have a
2 variety of things that we want to cover for our new
3 membership and to review for members who have been with us
4 a while.

5 This April, we will be beginning our 14th
6 year in existence. Hard to imagine. The -- a lot of the
7 documents -- some of them that you'll see tonight -- have
8 been in development since those early days and then
9 revised.

10 In particular, one of our members here who
11 is here tonight, Julian Hultgren, spent a lot of time
12 working on -- with the committee that helped to update our
13 charter, which we'll try to review tonight.

14 So with that, I think we can pass out
15 these --

16 MR. COOPER: Okay.

17 FACILITATOR KERN: -- orientation packets.

18 These are -- Craig should do it because
19 Craig and his staff put together these packets. Much
20 appreciated.

21 MR. COOPER: We have an official cover
22 letter. Everybody's going to get one of these, but
23 there's an official cover letter for the new RAB members,
24 and then --

25 MS. MONAGHAN: John's in Africa, remember?

1 John Chester.

2 MR. COOPER: For the older RAB members,
3 returning RAB members.

4 MS. BLUM: What do you mean "older RAB
5 members"?

6 MR. COOPER: Returning RAB members.

7 MR. YOUNGKIN: The veterans.

8 MR. COOPER: I just realized there's one
9 missing from the packet, but that's okay. We'll survive.

10 MS. MONAGHAN: John Chester is in Africa.

11 MR. COOPER: John Chester? I'll make a
12 note of that.

13 FACILITATOR KERN: So we should review the
14 contents --

15 MR. COOPER: Yes.

16 FACILITATOR KERN: -- of this package.

17 MR. COOPER: Can I walk people through it?
18 Because there's one thing missing. Whoever did it made a
19 mistake. I guess that would be me.

20 Okay. So there is a welcome meeting cover
21 letter. That will be the first thing you see on your
22 left-hand side, and for the new RAB members, it should be
23 signed by both Mark and I.

24 For our returning RAB members, it's just
25 signed by me, but Mark -- I just didn't give Mark enough

1 time too sign all of them.

2 Then you'll see -- behind that, you'll see a
3 brief -- brief three-page summary of the environmental
4 remediation program, Presidio San Francisco, January 2007,
5 and then behind that should be the charter and bylaws, and
6 then on the other side you'll see two sets of maps, which
7 we'll discuss in later detail later on tonight, and then
8 you'll see a chart with a schedule that looks like this.

9 So the thing that's missing is I was going
10 to include a one-pager regarding the financial status, and
11 I -- it didn't get included, but actually in February is a
12 financial -- is one of our more formal presentations where
13 we'll do a financial update at that time.

14 FACILITATOR KERN: Very good, and thank you
15 again for putting this together for us.

16 So it seemed that it's good to start with
17 the rules, and so if we could refer to the charter, this
18 will help us with what our mission is and what it is that
19 we're trying to do.

20 Just take a moment to leaf through, look at
21 the -- just scan each of the pages, and then we'll review
22 in some details the mission and duties.

23 We decided to pass this out for all the
24 members since we haven't reviewed it in what?

25 MR. BERMAN: Three or four years, at least.

1 FACILITATOR KERN: I think that's right.

2 MR. BERMAN: Are there any changes in this
3 from the last time we went through it?

4 FACILITATOR KERN: Not as far as I know.

5 MR. BERMAN: So what's the objective here
6 in going over this, then?

7 FACILITATOR KERN: Well, I think the
8 objective is to make sure that community members know
9 about voting procedures, what types of things are voted on
10 and who can vote and what's a quorum.

11 People need to know that it's a volunteer
12 organization, that we serve as volunteers. Members are
13 not compensated.

14 There are issues around conflict of interest
15 that are important. There are some officers. People
16 ought to know who they are, what they're doing.

17 There's a leave of absence provision, and
18 there's some details in here for getting rid of the
19 officers if the group wants to, recalling them and sending
20 them out to pasture.

21 It hasn't been done too often, but the -- it
22 has been attempted, though. Not by the community, but the
23 military actually tried to get rid of us at one point, or
24 get rid of me twice.

25 MR. BERMAN: They actually tried to get rid

1 of the old RAB, too.

2 FACILITATOR KERN: Right. So we actually
3 had to use this once and actually voted on it to retain
4 me, which was a little -- somewhat.

5 If I totally lose my voice tonight for some
6 reason, I will defer to Mark.

7 MR. YOUNGKIN: Talk soft.

8 FACILITATOR KERN: All right. I'll talk
9 softly.

10 All right. So back in -- generally how we
11 do this, kind of an oral history, so some of that is
12 contained in here. We'll just say that back in 1994, the
13 Presidio became a national park after being a military
14 base for over 200 years.

15 So 1776 was when it was first occupied as a
16 military facility. And in 1995, the Park Service took
17 over.

18 There was a general management plan created
19 by the -- the Park Service to look out and see what the
20 Presidio was going to be and try to create a post to park
21 transition, and we're still in that position some fourteen
22 years later, and probably will be for -- for a while.

23 So our RAB was established, Restoration
24 Advisory Board was established along with many others in
25 that time period when there were a lot of closing bases

1 around the country.

2 At the time it took a few far-looking
3 community people to ask to have a RAB. I think there
4 needed to be a petition of a certain number, I think forty
5 or fifty community members to establish a RAB, and that
6 was done by people even before those of us who have been
7 around since the beginning, and there was a technical
8 review committee that preceded the RAB and they were
9 engaging the Army at that time on issues around the base
10 having to do with contamination.

11 The RAB was established in April 1994 and
12 voted on the community co-chair at the first meeting,
13 which was quite an interesting process.

14 Nobody really knew anybody. They just asked
15 for volunteers who was going to be the community co-chair.

16 I guess what I mean by community co-chairs
17 is there was proposed to be an agency co-chair in this --
18 in our case was the Army, and that was already cited who
19 that was going to be.

20 It was David Wilkins, and there was going to
21 be a community co-chair. That's how all -- how all the
22 RABs were established, a community representative and an
23 agency representative.

24 There were several volunteers who voted on
25 it and a person was selected and we proceeded to have

1 meetings that would last till 11:30 or 12:00 at night.

2 We had two regular RAB meetings a month and
3 two committee meetings. So we were meeting every Tuesday
4 till 11:30 or 12:00.

5 It was packed and it was quite a rockus type
6 of thing, with the military basically trying to thwart us
7 at every stage, from getting information to the decision-
8 making that they were doing, it was a very challenging few
9 years.

10 That went on to 1997 until when, after many
11 different documents that were proposed and we worked with
12 them, they proposed a base-wide feasibility study that
13 suggested that they would perform about 36 million
14 dollars' worth of activities and they would be done.

15 When -- when the RAB investigated what those
16 activities were, about one and a half million of that was
17 moving dirt and the other 34 and a half million was
18 containing waste in place, and so the RAB internally
19 rejected it and went out as our roles were to our various
20 community groups that we represented.

21 We went on a road show. We probably had
22 some forty or fifty different organizations write letters,
23 and their -- the Army's feasibility study was soundly
24 rejected, except for one letter or two which was in favor
25 of what the Army was proposing.

1 That began a process where the Army
2 negotiated with the Presidio Trust, who was a brand new
3 organization in 1996/'97 time frame.

4 They had -- their first employee was Craig
5 Middleton, who you probably all know. He was in a little
6 office here on the Presidio by himself answering the
7 phone.

8 The Trust went out to hire a -- an executive
9 director and then began to build up staff in that time
10 frame from 1997 to 1999, and in 1999, after negotiating
11 with the Army for a couple of -- quite a long time, the
12 Presidio Trust took over as the lead agency to -- for the
13 cleanup and they got a -- they received -- the Presidio
14 Trust received a hundred million or 99 million in exchange
15 for that.

16 So the Army walked away from their
17 responsibilities after working with the community for
18 about five years.

19 During that time, the good things that the
20 Army did, they worked a lot. They probably spent -- I
21 think they said they spent about a hundred million or so
22 on the petroleum program where they were cleaning up the
23 fuel distribution system that -- for those of us that
24 don't know, there was a tank at the highest -- one of the
25 highest elevations, a hundred thousand gallon tank or

1 10,000. A hundred thousand, and that was regularly filled
2 with fuel oil and there were lines branching out all over
3 the Presidio and that's how the homes were heated.

4 There were individual tanks in the basements
5 and all these fuel lines eventually leaked. Many of them
6 did. So there was fuel oil contamination all over the
7 Presidio.

8 And that -- that will be something that
9 Craig may get into later, but we have three separate
10 programs that he manages: A fuel or petroleum program, a
11 CERCLA program, which is kind of all the other
12 contaminants which he can talk about, and then a lead-
13 based paint program on the outside of buildings that's
14 been released to the environment.

15 So the Presidio Trust came on in 1999 and
16 managed the program and there was an initial project
17 manager, the person that preceded Craig. Her name was
18 Sharon, Sharon Reikoff, and she managed the program for a
19 couple of years? Something like that.

20 MR. COOPER: Probably two to three years.

21 FACILITATOR KERN: Two to three years, and
22 it was in the start-up phase. There were a lot of
23 challenges and the Presidio Trust was also experiencing
24 challenges in the start-up phase of their organization,
25 and some of those things we're still working with and

1 we've made great progress.

2 One particular was a cost tracking. Very
3 little cost tracking during those early years of the
4 program.

5 And all throughout that, we had our charter
6 and bylaws, and when the Trust came on board, they were
7 not a military agency, and so we took the opportunity to
8 reestablish a connection with the Trust as the lead agency
9 and revised the charter so it would make sense with the
10 Trust as the lead agency.

11 So I think I will just stop and pause there
12 and have anybody else, some of the veteran members fill in
13 any thoughts that they might have about those Army years.

14 There were many things that were still --
15 the very first meeting that I went to to make a comment on
16 was the record of decision for landfill 10 and 8 and we're
17 still working on those sites.

18 There was a decision made to basically leave
19 those sites alone, and that decision is still ongoing
20 today some fourteen years later.

21 I remember the first comment that I made was
22 about the cemetery that underneath landfill 8, and we're
23 still working on those.

24 So some things are a little bit slow, and I
25 think I mentioned that just so those of you that are new

1 realize that this -- while it may seem slow, some things
2 we're still talking about years later. There are a lot of
3 progress that's been made, particularly since Craig has
4 taken the helm.

5 So any other thoughts from the veteran
6 members about those early years?

7 Sam.

8 MR. BERMAN: Just -- I think you gave a
9 very good overview, but I'd like to add that during the
10 Army years, there was a very adversarial role between the
11 RAB and the Army as the owner of the Presidio and it was
12 a -- the meetings were contentious and -- and often
13 deliberately so as far as -- at least it was my opinion,
14 and I think there's been a total reversal of that since
15 the Trust has come into the picture, especially with Craig
16 Cooper, and we've developed, I think, a really very good
17 working relationship with the Trust and a very open and
18 mutual supporting manner, which I think is -- special
19 credit to Craig and the Trust for doing that, because
20 they're really not compelled by any law to do that.

21 I think it's -- the concept of getting a
22 good job done in a timely manner has been almost like an
23 ethical standard adopted by the Trust, and I think it's
24 worth mentioning that there's tremendous reversal in the
25 role of the RAB and the owners of the Presidio.

1 FACILITATOR KERN: Others? I might
2 mention -- go ahead.

3 MS. BLUM: I'm not as seasoned as Sam is,
4 but as a -- I would say sort of middle-aged member of the
5 family --

6 MR. BERMAN: Do I get the full implication
7 of that?

8 MS. BLUM: I'm only 35, right.

9 Two things for me are -- are important
10 within the concept of how much progress the RAB has made,
11 and one is the political environment.

12 What we do is to support the land use
13 decisions that have been made by the Presidio Management
14 Trust document which guides how the land will be used,
15 once it's currently and once it's cleaned, and so the
16 RAB's duty is to abide by that, but I feel like since
17 the -- we've had a large changeover in the board of
18 directors from the original board of directors of the
19 Presidio Trust, and that, I think, has made all the
20 difference in the world to how we can proceed in the
21 future.

22 There's a lot more cooperative spirit in the
23 past I'd say year with the new board than there had been
24 at the time before, so that also is very helpful in moving
25 the RAB's progress forward.

1 So these two things can't be separated.
2 What the use of the land is and the political environment.
3 Even though we have a pretty clear-cut mission. That was
4 really -- that's something to me that one needs to also
5 understand about what we can and can't possible --
6 sometimes do within the RAB.

7 Thank you.

8 MR. YOUNGKIN: I'll also mention that the
9 Army's not completely gone. So the new members won't get
10 misled completely. The Army's still responsible for
11 radiological investigations.

12 There's mustard gas --

13 MR. COOPER: Chemical weapon.

14 MR. YOUNGKIN: Chemical, biological and
15 radiological. There's a mustard gas issue coming up this
16 year, so we'll get a review from the Army to see how their
17 methods have evolved over the past few years.

18 MS. NEWTON: So we still have contact from
19 them on those issues?

20 MR. COOPER: Mustard gas counts as a
21 chemical weapon, so --

22 MR. YOUNGKIN: They retain responsible for
23 those four areas.

24 MS. NEWTON: When the Army -- Army was in
25 charge of those things here, did they have to answer to

1 any regulators like the Trust does?

2 FACILITATOR KERN: Absolutely.

3 MS. NEWTON: They will be watched.

4 FACILITATOR KERN: We have the same
5 regulators. The Park Service was here and then the DTSC
6 and the Water Board were here.

7 In addition, in those days, we also had
8 representatives from -- the Federal EPA attended the
9 meetings, and that was helpful.

10 MR. YOUNGKIN: It was also very adversarial
11 during those days with those two. There was struggle with
12 that.

13 FACILITATOR KERN: I recall one -- in
14 addition to being unilaterally removed from the -- the RAB
15 a couple of times, myself personally, there was an
16 incident where the RAB was being excluded from meetings
17 that the Army was conducting, and we went to the DTSC and
18 they agreed to hold separate meetings with us.

19 So our state agencies have always been an
20 ally in this process for us.

21 The Army was just incredibly adversarial at
22 times, and I suppose that's their -- their training. They
23 have to have an enemy, perhaps, but anyway, it wasn't
24 really supposed to be us.

25 I would say that those years, though, really

1 radicalized me as a -- as a citizen.

2 MS. MONAGHAN: I was going to talk about
3 the tanks, because people don't realize that there were
4 hundreds of tanks taken out of the Presidio, underground
5 tanks taken out by the Army.

6 MR. COOPER: There's only four left, I
7 think.

8 MS. MONAGHAN: Oh, good.

9 MR. COOPER: Underground storage tanks.

10 MS. NEWTON: In the entire Presidio?

11 MR. COOPER: In the entire Presidio.

12 There's only four underground storage tanks left.

13 We have some above-ground storage tanks that
14 we plan on keeping. They're used for fuel supply for like
15 emergency generators and things like that and for some of
16 our own use, but as far as the old Army underground
17 storage tanks, they're underneath some basements and we
18 hope to pull them out later on this year.

19 FACILITATOR KERN: So -- so what is the
20 mission -- what is the purpose of the Restoration Advisory
21 Board? Why do we exist?

22 Volunteer organization, and our purpose is
23 to advise the lead agency, in this case the Presidio
24 Trust, on their plans and proposed activities with regard
25 to the remediation program here. That's really the scope

1 of what we do.

2 If it has anything to do with this program,
3 we feel like we should offer our advice.

4 Now, in the early days, that advice -- it
5 was difficult because the Army did not -- in fact, they
6 asked us "you're not supposed to reach consensus. You're
7 not supposed to vote on anything," and they actually tried
8 to prevent us from voting, and that's why you'll see a lot
9 of the voting materials here in the charter, because we
10 thought about it and we said, "Well, we're going to vote
11 on things and we're going to -- it will make our voice
12 more powerful," and in so a lot of ways, some of that
13 still exists in here.

14 We still -- there's still all kinds of room
15 for any individual member to write a letter or to have
16 their own voice if they wish. We've always felt that we
17 discuss all the issues, whether it's a particular site or
18 something about the whole program, any general policy, how
19 money is being spent or not spent.

20 We try to develop through discussions,
21 usually in a letter or resolution and then discuss it
22 sometimes at great length and great detail until we
23 typically get unanimity.

24 We really value that in this organization,
25 that everybody's advise -- everybody's fingerprints get on

1 these particular documents, and then we'll submit them,
2 and they've usually -- I think with some exception been
3 incredibly well received.

4 There was a time, I think, that there was a
5 period where our own letter was not well received. It
6 hadn't been thoroughly edited. It might have been sent
7 off in a little bit of haste and it had a tone which was
8 then misinterpreted, and I think our credibility suffered
9 for a period of time which has been steadily repaired, I
10 would say.

11 So that's what our mission is, is to report,
12 to confer with the Trust, offer advice and support
13 regarding the remediation program.

14 Does anybody have any questions about that?

15 MS. MONAGHAN: I also think that the
16 community member has responsibility to keep their family
17 and friends and co-workers involved with what's going on
18 with the Presidio.

19 If you belong to a community association, a
20 professional group, it's an opportunity to speak or write
21 about what goes on here, and it's a nice way to kind of
22 extend the influence of the RAB into the community so
23 people know what we do here, and it's nice, and we go back
24 to that for support when things need to be clarified.

25 FACILITATOR KERN: Mm-hmm.

1 Julian.

2 MR. HULTGREN: I think it's fair to say --
3 and if I'm wrong, correct me -- that the Trust has no
4 obligation to do what we recommend and we don't have any
5 right to -- to tell them what to do, but -- but on the
6 other hand we have a certain amount of power, if you will,
7 of the public input, and that's really where we have --
8 where we get more -- more positive reaction out of the
9 Trust than anything else.

10 But again, they can do what they want to do
11 whether we agree to it or not.

12 FACILITATOR KERN: I think that's an
13 important distinction to make is we're not a board that is
14 directing them to do things. We are giving advice, and at
15 the same time within the CERCLA program, there is -- there
16 are criteria regarding a remedy.

17 I think they're the nine criteria, and those
18 things have to do with a remedy, whether it's feasible,
19 whether it can be implemented and then there are a couple
20 of -- at the end that are called modifying criteria, and
21 one of them is community acceptance, and that's where we
22 weigh in, as well, from a statutory perspective.

23 So yes, and that's in part why we discuss
24 these things and why it's so important that Craig
25 establishes open communication. We tend to know just

1 about anything we want to know regarding a decision and we
2 can weigh in on it, and I would say we've been supportive
3 in trying to add to rather than just be critical of what's
4 going on.

5 Julia.

6 MS. CHEEVER: Let me think of another point
7 that I think we've been conscious of over the years. We
8 don't presume to be the exclusive voice of the community.
9 We just happen to be a forum and a panel, and I think we
10 always have a responsibility to try to have meetings as
11 open as possible, maybe make sure they get announced so
12 that anybody in the public can come and also use this
13 forum and to encourage other people to speak up and
14 participate in these discussions or sending written
15 comments, and sort of along with what Julian was saying,
16 talking about the Army, the Army didn't also have to take
17 our advice, but because of the way the law and regulations
18 were written, they did have to meet with us and speak with
19 us.

20 Possibly the same applies with the Trust.
21 Of course it's not adversarial.

22 FACILITATOR KERN: So related to those
23 comments is we're always trying to maintain very
24 supportable positions, either through scientific data or
25 consensus if it was kind of a policy decision, trying not

1 to over-reach and being very considered in our opinions
2 and to how we offered them.

3 Let's see. Something else that came up.
4 Yeah, Jan.

5 MS. MONAGHAN: One thing I thought that we
6 should probably talk to people about, maybe committee
7 members, how we got to the cleanup levels and what those
8 goals are, because I always thought that was a really
9 interesting part when we were going through and deciding
10 how clean is clean and what all the rules were and how we
11 got to that, because we're cleaning up more than most
12 military bases are being cleaned up because it's a
13 national park.

14 FACILITATOR KERN: Right, and that process
15 did take several years.

16 MS. MONAGHAN: That's why I remember it.

17 FACILITATOR KERN: Well, I would say -- and
18 we should get back to that and back to Julie's point about
19 going out to the larger community.

20 We will have that -- that will be before us
21 hopefully coming up soon in May when we have the Remedial
22 Action Plan 3 that's going to be signed, so sometime
23 before May --

24 MR. COOPER: All right.

25 FACILITATOR KERN: -- because it's going to

1 be signed in May, right?

2 That we'll -- we'll be going out to other
3 community groups. Some of us will actually go to
4 meetings. Some of us belong to other community groups and
5 discuss these plans so that community members and other
6 groups are aware of all the decisions that are being
7 proposed in RAP3.

8 So it will be -- that will be coming up
9 sooner than later in order for us to be able to sign that
10 document in May.

11 All right. So we'll -- Jan, were you
12 proposing that we talk about the cleanup levels --

13 MS. MONAGHAN: I thought that was a
14 community discussion -- committee meeting.

15 FACILITATOR KERN: At a committee meeting.
16 Okay. All right. So we've -- -- oh, yes. Sorry.

17 MR. BERMAN: Brian has been very quiet
18 during all this, but Brian was here pretty much from the
19 beginning, and I don't know whether he was quiet
20 deliberately, but I would certainly --

21 MR. ULLENSVANG: You guys have been doing a
22 very good job of talking.

23 MR. BERMAN: Yes, but we didn't give you a
24 chance, and I was wondering how as the Park Service
25 representative you saw all this process that Doug was

1 talking about, whether you had your own feelings that
2 you'd like to convey to the -- especially to the new
3 members.

4 MR. ULLENSVANG: I think that I agree with
5 generally everything that's been said up to this point. I
6 think the RAB has a very important role in supporting and
7 helping to guide the cleanup, and each and every member of
8 the RAB contributes in their own way to the very notable
9 voice that the RAB has.

10 I know that my management is very respectful
11 of the concerns that the RAB expresses and the opinions
12 that -- that come from the RAB, and so even though you may
13 not always appreciate the loudness and strength of your
14 voice, it is heard strongly and clearly, and over the
15 years, the RAB has been instrumental in making the cleanup
16 of this park what it is.

17 FACILITATOR KERN: A lot of what we've been
18 talking about is covered on page 3 and 4 in the duties.
19 So you should read those in detail when you get a chance.

20 At the time we were writing these, we were
21 trying to make our -- you know, define what our scope was
22 and what we could comment on, having had the experience
23 that the Army was going to tell us that we couldn't even
24 comment on certain aspects of the program. I remember
25 that quite distinctly. That's why some of these things

1 are in this document with the duties.

2 It goes on to talk about the community
3 members and the agency members. A lot of the times
4 we'll -- and this gets into the voting, that the community
5 members will principally vote on something. Sometimes the
6 entire RAB, which includes the regulators, the Park
7 Service and the Trust, will vote on something.

8 So that's why it talks about community
9 members and agency members and makes a distinction.

10 We have a process in here that talks about
11 the -- the selection process that many of you have been
12 through. We tried to spell it out pretty clearly.

13 MS. MONAGHAN: Doug?

14 FACILITATOR KERN: Yes.

15 MS. MONAGHAN: Now that you're all here,
16 too, if you know somebody that would be a good candidate
17 for the RAB, we're very interested. Because we are going
18 to have another campaign this year to increase our
19 membership, so --

20 FACILITATOR KERN: Our charter says -- I
21 think one of the details is that the RAB will have between
22 twenty and thirty members.

23 So our new -- our most recent membership
24 drive got us up to right at about twenty, so we're going
25 to need to add a few more people in the next year.

1 Let's see. There are more responsibilities
2 detailed on page 6. They have mostly that you're supposed
3 to come to a committee meeting and a regular meeting every
4 month.

5 MS. BLUM: Doug, would you define
6 "committee meeting"? I think the word is misleading. I
7 always thought that was for people on certain committees.
8 I wasn't sure it ever included me.

9 FACILITATOR KERN: We have a -- an informal
10 meeting on the fourth Tuesday of the month, the regular
11 RAB meeting being on the second Tuesday, and on the fourth
12 Tuesday, it's an informal meeting without our recorder
13 (sic) and it's much more informal, but that's what we
14 referred to as the committee meeting.

15 That's a kind of historical name that got
16 attached to it. We would have -- we had many committees
17 at one time, a variety of committees and we've reserved
18 the right to reestablish those if we need to.

19 Right now we call that the Planning
20 Committee where we plan various activities, what we're
21 going to do, what we're going to investigate, how we're
22 going to make our advice.

23 So that is basically a committee of the
24 whole RAB. Everyone is on that committee.

25 So everyone should make the regular RAB

1 meeting and the -- what we call the Planning Committee
2 meeting.

3 MR. YOUNGKIN: This will be the board
4 meeting.

5 FACILITATOR KERN: Right. Let's see. On
6 the bottom of page 6, very important, article number 4D
7 just in case anybody didn't realize this. "Community
8 members and the presiding officer shall serve in a
9 voluntary capacity without compensation."

10 There have been situations in other RABs
11 where it was -- the community had a lot of military people
12 in it and a military person was established as co-chair,
13 and sometimes there was a conflict between they were very
14 much in line with the military and the community wasn't
15 really having a voice and they were effectively being paid
16 by the same agency.

17 So any questions about that? We just want
18 to make that really clear. Nobody is paid.

19 "Conflict of interest shall exist if an
20 issue is brought before the RAB or any of its committees
21 or subgroups for discussion or vote and the outcome of the
22 discussion or vote could result in financial gain, either
23 direct or indirect, to community member or any of that
24 member's relatives or if within the actual knowledge of
25 the community member to any organization the member

1 represents or in which he or she is an active participant
2 or to individual persons or entities within any such
3 organization."

4 Again, Julian helped us write this, and he
5 would be the best to explain all the nuances. We were
6 trying to cover ourselves with conflict of interest.

7 "Community member must immediately disclose
8 to the RAB any conflict of interest at the time such
9 conflict becomes known to the community member. Community
10 member shall not participate in discussions of or
11 deliberations on motions and shall not vote if the issue,
12 motion or vote constitutes a conflict of interest for that
13 community member."

14 So it doesn't mean you have to leave the
15 RAB. It just means you can't participate in that
16 particular issue.

17 So those are big items that I wanted to
18 cover tonight.

19 There is a leave of absence provision.
20 We've been pretty generous with this and eventually we
21 have to let go members if they take a leave of absence and
22 then don't return. We have to make room and we usually
23 have a letter that goes out that says: "Are you here?
24 Are you going to be with us? Are you coming back?" and
25 sometimes we don't hear and so we send another letter

1 saying: "Thank you very much," but it's usually ninety
2 days within a two-year period that people request a leave
3 of absence.

4 All right. Other details around
5 resignation, termination. There are various details
6 around that that you should look at. We haven't censured
7 anyone yet.

8 MR. YOUNGKIN: Who knows? One of you could
9 be the first.

10 FACILITATOR KERN: Officers. There are --
11 there's a community co-chair. Mark is the community
12 co-chair and there is an alternate community co-chair, and
13 that's Julie. These folks were elected years ago to these
14 positions and they still hold them.

15 MR. YOUNGKIN: I'm not sure if Julie thinks
16 she still is or not.

17 MR. COOPER: I didn't know she was the
18 alternate community co-chair.

19 FACILITATOR KERN: Well, we never released
20 her, but she's been serving --

21 MS. CHEEVER: If anybody else would like to
22 be alternate co-chair.

23 FACILITATOR KERN: She's been serving her
24 duties well, and this explains the duties of the community
25 co-chair in here.

1 There's a -- there -- an agency co-chair
2 also provides several duties, and that principally has to
3 do with making the space available for court reporter,
4 things of that nature.

5 The Trust is -- generously provided these
6 drinks and goodies and that was not always the case, so
7 even though it doesn't get said very often, it's much
8 appreciated that those things are at the meeting.

9 MR. BERMAN: And technically speaking, it's
10 not considered compensation.

11 FACILITATOR KERN: Yes. I changed my vote
12 based on that chocolate chip cookie.

13 Okay. So there are provisions in here for
14 recalling Mark, and you're the -- I think the third
15 co-chair. We had one for a couple years, another one for
16 about a year, and then Mark has served for probably --

17 MR. YOUNGKIN: Ten.

18 FACILITATOR KERN: Yeah. Ten plus years.
19 That's a while.

20 Committees. You can see the list of all
21 these committees that we had. The Rules Committee did
22 the -- the charter and bylaws, and obviously since we're
23 not reviewing this all the time, the Rules Committee is
24 out there if we need it.

25 Membership or Selection Committee that

1 recently was quite active. Planning Committee, that's
2 what you'll see every week at the committee meeting.

3 MR. YOUNGKIN: Every month.

4 FACILITATOR KERN: Every month, not every
5 week.

6 All right. The meetings. All right. It
7 talks about the meetings are open to the public. We
8 typically have not had a lot of public interest in these
9 meetings.

10 We try various ways to increase that, and
11 every once in a while, we will get a surge, to use a
12 recent term, a surge of interest.

13 We have had members of various tribal
14 communities attend when they had an interest at stake.

15 Meeting notification, agenda, facilitator.
16 I'm the facilitator of the -- the group. I was elected
17 back in 1995, I think, to do this and so I serve at your
18 pleasure and you can -- I can definitely be recalled, as
19 well.

20 We have rules of order. I try to run the
21 meetings fairly informally. We typically don't invoke all
22 those types of Robert's Rules, except when we're having a
23 vote. We try to do that.

24 Quorums are pretty important. We state in
25 the -- I think on page 14 the -- all the different kinds

1 of issues that we might vote on, how many people make up a
2 quorum or who's required to vote, those kinds of things.

3 We typically don't have to -- we haven't
4 really referred to a lot of these items. We haven't
5 elected a new community co-chair in a long time.

6 What we do this most for is new members, and
7 so that's where you see the membership being enacted
8 there. Membership vote.

9 In here is also an order of business list
10 that you should see here on the agenda, and the rest of it
11 is left for your inspection, but those are the major
12 details that I wanted to cover tonight, and I would ask
13 Julian, of course, if he had any thoughts about this
14 thing, basically the father of this charter and bylaws.

15 MR. HULTGREN: I don't have any new
16 thoughts. I just do want to say that I don't want to take
17 all the blame for the complexity of the language. It was
18 a committee.

19 FACILITATOR KERN: Oh, yes. Absolutely.

20 MR. COOPER: It really is.

21 FACILITATOR KERN: And the complexity for a
22 charter and bylaws I don't think is -- is too much given
23 that a lot of RABs throughout the country have requested
24 these bylaws to be a go-by for their -- their own bylaws.

25 Any comments before we move on?

1 Yes. We've had several RABs that -- there's
2 some 300 plus RABs around the country. Many of them in
3 their start-up phase have requested this.

4 All right. Let's take a look -- I mean, is
5 there anything that you wanted to cover from your
6 perspective on the charter?

7 MR. COOPER: I don't know if this is the
8 right place. I was going to talk about how I see my role
9 at RABs and maybe we could talk about Brian and the Water
10 Board and the DTSC role.

11 I don't know if we want to do that now as
12 far as RAB members go because I also want to talk a little
13 primer on site remediation process, as well, and the two
14 kind of fit -- you know, go together.

15 But I'd just like to say a little bit about
16 how I see my role. I think as you know, for the new RAB
17 members, I used to work at the Federal EPA for a long
18 time, as did Brian, and so I've spent a lot of time on
19 different RABs in California and Arizona, and the agency
20 co-chair, the person that takes my role, can take
21 different, you know, positions on how they view their --
22 their role, and some will be very kind of obsessive about
23 the agenda and taking control of -- you know, this is --
24 you know, this is what the agenda's going to be and
25 getting advice from a RAB -- sometimes not even getting

1 advice from community members on the RAB, whereas I've
2 taken the position that these are really your meetings
3 and, you know, there's -- and that the agenda is really at
4 the -- at your -- your choice, what you want to talk about
5 at the -- these RAB meetings and the RAB committee
6 meetings, and I make recommendations to Mark, you know,
7 regarding what I would like to talk about.

8 Sometimes I have something I'd like to talk
9 about at an upcoming RAB meeting and it's never really
10 been a problem, so it's been just a lot easier that way
11 because, you know, I really just see them as our meetings
12 and your opportunity to ask questions of me and other
13 agency members about what's going on.

14 You know, as you may or may not know,
15 there's -- you know, throughout the week, Monday through
16 Friday every single day, I get an opportunity to meet with
17 Brian and Devender and the DTSC representative all the
18 time and talk to them on the phone about what their
19 opinions are and what we should do about this issue or
20 that, but how often do I really get to talk to community
21 members?

22 And so if it was just me up there talking
23 all the time, I really wouldn't have a chance to answer
24 your questions, so I really see this as your opportunity
25 to get your foot in the door on having an influence over

1 what's going on, and as we'll find out later, you guys are
2 actually invited to attend the technical meetings that
3 occur Monday through Friday, as well during -- they're
4 during the day, so I know a lot of you work and it makes
5 it difficult, but Doug actually puts a lot of his personal
6 time into attending the actual site, you know, technical
7 meetings as a representative of the RAB and other people
8 have done the same, as well.

9 And so if you really want to dive in deep,
10 you can do that, as well.

11 That's kind of my general attitude, that my
12 role is to help facilitate a successful meeting for you
13 guys at these meetings.

14 And then just in general, you know, I really
15 appreciate Sam and you guys' comments about exchanges I've
16 made as far as the Trust implementing being the lead
17 agency in the Presidio remediation program, and I was just
18 looking again at the kind of role of agency members and so
19 on.

20 At least for my role at the RAB, when I am
21 asked, you know, to speak or to provide information is to
22 provide, you know, accurate information and timely
23 information, not just say, "Oh, yeah. Last year we took
24 care of this thing and it worked out fine."

25 But I've really found out this RAB you guys

1 really want to know and have as much advance notice as
2 possible, because you've figured out that the real action
3 is early scoping of an idea or of an issue.

4 Once a site starts to get scoped, it starts
5 to take a -- you know, I'm going to start using this word
6 "pipeline."

7 Every site to get to final cleanup, there's
8 a planning pipeline process, and once it -- the pipe --
9 the planning process starts going down the pipeline, it's
10 hard to make sharp turns.

11 So that's why it's important for me to
12 involve you guys early on, even though I may not be
13 required to do so, because the law really, you know,
14 requires me to have a formal public comment and formal
15 public, you know, on issues -- on -- on site decisions,
16 but it's pretty far down the pipeline, and it's not a
17 really good time to have public comment. It's a better
18 time to have public comment earlier.

19 And so I'm trying harder and harder to
20 involve you guys earlier in the process so we don't have a
21 misunderstanding further down the planning pipeline.

22 Also, I want to speak a little bit to the --
23 the pipeline concept, that even though the Trust is
24 definitely in the leadership role and that's really
25 what -- I think we're setting the tone for getting

1 projects off the ground and getting them in a certain
2 direction and building some consensus about that direction
3 early on, but there's other players that I think should
4 talk a little bit about their role that play a very
5 important role.

6 It's just not the Trust interacting with the
7 RAB. There's National Park Service. The Trust has signed
8 a legal agreement with the National Park Service with
9 respect to our -- how we interact with them as far as
10 scoping and getting projects through the planning and
11 cleanup process, and we've -- the Trust has also signed
12 separate legal agreements with the Water Board that
13 Devender represents -- actually, not the Board order, but
14 same type thing.

15 But we signed a legal agreement with the
16 Department of Toxic Substances Control, DTSC, which is an
17 acronym to get used to, that's represented by Bob Boggs.
18 He's not here tonight. He's sick today, but I think that
19 those agencies can talk a little bit about their role.

20 Am I getting too far off script here?

21 FACILITATOR KERN: No. Not at all.

22 MR. COOPER: So I've tried, Brian to talk a
23 little bit about his -- what he sees the Park Service's
24 role in the remediation process.

25 MR. ULLENSVANG: Let me just -- I'll be

1 brief, and then you can ask questions if I'm too brief.

2 I work for the GGNRA, for the National Park
3 Service, which is something on the order of 80,000 acres
4 of park land here in the Bay Area.

5 I manage our Environmental Programs Office
6 which deals with remediation, both at the Presidio and
7 work with the Trust, which I'll come back to, and
8 remediation throughout the rest of the park, permitting,
9 environmental compliance, hazardous waste management,
10 general compliance issues, that nature. We also do
11 sustainability issues out of my office.

12 For the Presidio, we have a fairly active
13 and large role for my office as we work with the hundred
14 million dollars' worth of cleanup the Trust is doing,
15 and -- which includes cleanup on the portions of the
16 Presidio that are still administered by the Park Service.

17 As many of you know, approximately eighty or
18 ninety percent of the park -- of the Presidio is managed
19 by the Presidio Trust, but the remaining portion is still
20 administered by the National Park Service, the Crissy
21 Field area and the coastal bluffs area.

22 However, the cleanup authority for the
23 entire Presidio was transferred to the Trust. So as part
24 of that transfer and companion to that transfer agreement,
25 we have an agreement for how the Park Service will

1 cooperate and work together and the Trust has cleanup in
2 the areas that we administer.

3 So we're actively involved in those areas of
4 the cleanup as they're essentially working in our -- our
5 part of the park.

6 We are also involved in other portions of
7 the Presidio because the Presidio is not easily
8 segregatable along those lines.

9 Actions in one portion of the park will
10 impact other portions of the park.

11 So -- and then I also have a very long
12 history of working with the -- the cleanup here at the
13 Presidio and was the reason I was actually brought to the
14 Park Service originally in 1985 was to help the park -- I
15 came from EPA as a Superfund project manager managing
16 hazardous waste cleanups and was brought over here to help
17 the Park Service work with the Army as they were doing the
18 cleanup actions here, and the Park Service historically
19 did not have significant numbers of people who had
20 hazardous waste and cleanup experience, and so they were
21 looking for an agency who did bring people in to do that,
22 and I've stayed.

23 MR. COOPER: Thanks, Brian.

24 Any questions for Brian on that issue?

25 So --

1 MS. BLUM: I have a question. So we're
2 going to have a rebuild and soil drive, which is going to
3 strattle Park Service land as well as Presidio land.

4 There's going to be storm runoff of
5 petroleum products and other chemicals and materials from
6 cars.

7 So is that issue going to fall into your
8 lap, as well, as to how they treat the storm water off
9 Doyle Drive?

10 MR. ULLENSVANG: Not directly, although
11 storm water is something that my office does deal with.

12 We have -- in our planning division, we have
13 a person, Rick Foster --

14 MS. BLUM: Oh.

15 MR. ULLENSVANG: -- who is -- whose primary
16 role is to interact and help be the liaison with the Doyle
17 Drive project, and we have other folks in our other
18 divisions who take a very active role in that and have
19 been for a number of years.

20 So on that particular issue, we have already
21 had folks in our organization, and the Trust has, too, in
22 theirs, because it impacts both agencies --

23 MS. BLUM: Right.

24 MR. ULLENSVANG: -- working with Caltrans
25 to talk about the types of controls that are needed for

1 storm water and the types of devices that are needed to
2 prevent uncontrolled release of the petroleum off the
3 highway.

4 And so those sorts of -- at a concept level,
5 those elements are already being talked about, and as the
6 design begins and progresses, there'll be more active
7 involvement from folks in our office working with the
8 designers and Caltrans and the comparable folks at the
9 Trust to make sure that those mitigations are adequate.

10 MS. BLUM: Thank you.

11 MR. COOPER: Okay. So the Park Service
12 definitely plays a very, you know, significant role in the
13 scoping and site remedies and putting together planning
14 documentation.

15 Brian pretty much reads, you know, ninety
16 percent if not more than that of all of the documents that
17 the Presidio Trust Remediation Department prepares and he
18 has various -- based on the legal agreements that we've
19 prepared, various rights of concurrence.

20 More so on -- you know, obviously for
21 projects in -- that are still under Park Service
22 jurisdiction. They have full concurrence on our actions
23 in there, because the Trust is basically visiting another
24 agency's land in that case, and as he said because a lot
25 of the projects in the Presidio Trust portion of the

1 Presidio can affect the National Park Service portion, he
2 has some concurrence right on those, as well.

3 So he's definitely a very important player
4 in putting together in our planning pipeline process and
5 getting concurrences and approvals for the projects to
6 move forward, and the other two very important players who
7 have legal rights in concurrence and approval is the Water
8 Board and DTSC, and Devender is here, and I asked him to
9 speak a little bit as he sees -- the Water Board sees
10 their role in Presidio remediation.

11 As you know, I'll let him speak.

12 MR. NARALA: Thank you.

13 I was the freshman of the class until the
14 new members came in, so I feel like I graduated a little
15 bit here.

16 You should look at the overview that Craig
17 put together, the Trust put together. Item number 3 is
18 the petroleum program. That's my -- where my involvement
19 comes in.

20 I represent the Water Board and all the
21 cleanup that's done at the Presidio related to the
22 petroleum programs, I look at the reports and approve
23 them, and the Trust carries out the remediation part of
24 it, and if it is to the satisfaction of our office, then
25 we go ahead and close the site.

1 The last one year has been very hectic for
2 us. For me, at least. There are three projects ongoing,
3 and I think it's -- the new RAB members are coming in at a
4 very good time, if you want hands-on experience to see
5 what's going on.

6 We have the commissary PX right now being
7 remediated, building 1065, characterization action plan,
8 we call it cap, and building 237/231 cap is coming up.

9 It's pretty exciting for me and I hope it's
10 exciting for you all. Come out and see when they dig the
11 hole in the ground, so that's mostly my job here.

12 Thank you.

13 MR. COOPER: We can explain this more in
14 detail. I know we're giving you a lot of information for
15 you to absorb, but we have -- there's a legal agreement
16 between the Water Board and the Trust.

17 It's actually an order, as we call it. It
18 says the Trust has to get certain approval before it can
19 move forward on cleaning up petroleum-related contaminated
20 sites in the Presidio, and as you can see my little
21 handout, I said there's more than five hundred sites.

22 A lot of those are just -- most of those are
23 tank sites that got taken care of by the Army and that we
24 have to still -- the Army didn't do the administrative
25 close-out to get final okay from the Water Board that that

1 tank was pulled properly and there was no residuals left
2 behind. That's maybe 300 sites right there.

3 Then we have another hundred or more sites
4 where the Army pulled a tank and they left some residuals
5 behind for the Trust to take care of, and then we have
6 some much -- and then we have these large fuel
7 distribution pipeline thing that's all under the Board
8 order, Devender's projects, and there are six miles of
9 pipeline, much of which that the Army pulled out; some of
10 which they left in place, but there's residuals behind,
11 and petroleum leaked out that the Trust is in charge now
12 of taking care of the residual fuel oil that leaked out of
13 the fuel distribution pipelines.

14 That's 66 more sites or so, and then on top
15 of that, there are some really big petroleum sites, and
16 there's four of them right you now. Maybe we'll have a
17 fifth one, and if you want to just take a look at one of
18 your maps, new board members -- all RAB members, look at
19 the one that's CERCLA and petroleum.

20 I think this may be a good time to take a
21 look at the maps. There's two maps in there, so let's
22 look at this one. This one's a little simpler. I want to
23 start with the simpler map first.

24 It just says: "Presidio Remediation Program
25 CERCLA and Petroleum" on top. Okay.

1 So notice what the -- in this particular
2 map, the CERCLA site, and as Doug said, and right now, so
3 those are the sites with all the chemical contamination
4 except for petroleum or at least petroleum's not the
5 primary contaminant, and then the petroleum sites are
6 obviously where petroleum is the primary contaminant.

7 That's where Devender is the lead regulatory
8 agency, and so -- and on this map, notice we don't show
9 all 500. We couldn't show all 500 petroleum sites.

10 FACILITATOR KERN: CERCLA.

11 MR. COOPER: Okay. CERCLA is an acronym.
12 It's an acronym for that Federal Superfund law that we
13 talked about, and it stands for Comprehensive
14 Environmental Response Compensation and Liability Act.

15 It's the Federal -- the Federal Superfund
16 law was passed back in 1980 and, you know, it does a whole
17 bunch of stuff.

18 It basically was the law that was used to
19 clean up Love Canal and these huge mega hazardous waste
20 sites throughout our country, and we are using that same
21 law to clean up our landfills and firing ranges and other
22 hazardous substance sites in the Presidio.

23 Now, in the CERCLA law that lobbyists were
24 able to get an exemption for petroleum sites. That's why
25 states -- there's some federal law now, but states passed

1 their own law on how to clean up petroleum sites, and so
2 that's why petroleum sites are not cleaned up under
3 CERCLA.

4 They're cleaned up under separate
5 investigation. There's a whole history to that.

6 Okay. So as you can see, we -- I was just
7 talking about the petroleum sites. I didn't identify --
8 on this map, we didn't identify all the tank sites and we
9 didn't identify where all the fuel distribution pipelines
10 go.

11 There are maps that show that, but as you
12 can imagine, there would be like dots all over the place.

13 So all this map shows are -- as far as
14 petroleum goes -- which are in the orange highlight -- is
15 the big petroleum cleanup areas, and they're not --
16 actually, they are named there.

17 As you can see, I'll point them out, but you
18 can see the big orange site here, and that's the
19 commissary PX site.

20 At least the first phase of the cleanup is
21 ongoing, and these two sites, orange blobs over here. One
22 is 207/231. The other one is 1065, which we're reaching
23 the end of the planning process for those two sites, which
24 is a very exciting time.

25 We get to go to construction and actual

1 cleanup field next, and the other orange blob is this one
2 over here, 1349, which we will work -- you know, reaching
3 the end of the planning process on that one, as well.

4 So --

5 MR. ULLENSVANG: Don't forget 637.

6 MR. COOPER: Exactly. As you can see, it's
7 a little kind of hidden there. Right to the left-hand
8 side to the west of commissary PX, you can see an orange
9 site that's got -- that's just hash marks on it.

10 That's a petroleum site, a big petroleum
11 site that the Trust has already cleaned up back in year
12 2000/2001.

13 MS. NEWTON: How long did that take from
14 start to finish?

15 MR. COOPER: The actual field construction
16 work, I think it only took -- with moving soil in the
17 field, maybe three months, four months, something like
18 that, yeah. I know. Years -- so get used to this. Years
19 of planning for.

20 MR. ULLENSVANG: And on that site, the
21 Trust spent four months cleaning up. The Army had
22 designed a treatment plant that they never built for that
23 site, and then three rounds of large excavations.

24 So that if you look at the actual
25 construction, it took -- from the first time the Army did

1 construction there to the time the Trust finished the
2 construction was maybe ten -- five to ten years.

3 FACILITATOR KERN: Oh, yeah I.

4 MR. COOPER: That's a good point. When you
5 read some of these planning documents that the Trust
6 produces for some of our sites -- not all of them -- and
7 you read the site background or the site history section,
8 we'll discuss what -- if the Army took any actions at the
9 site back in the 1990s.

10 Sometimes they did, which Brian said.
11 Sometimes they took a swipe and excavated out some of the
12 gross contamination, but they struggled with kind of the
13 hard -- the stuff that was either hard to get at or what
14 they considered lower concentrations that they thought
15 didn't pose any risk and they basically would stop
16 digging.

17 MS. NEWTON: How could they do that? Why
18 were they able to make those? Because they were the Army?

19 MR. ULLENSVANG: They just stopped digging.
20 They were the ones paying the bills.

21 MS. NEWTON: It wouldn't matter how they
22 were doing.

23 MR. COOPER: It doesn't mean anyone agreed
24 to it.

25 MR. ULLENSVANG: The regulators, the RAB,

1 the Park Service were all on their case for stopping or in
2 not going all the way.

3 So they weren't done and no one except them
4 were considering them done, but if they are obstinate,
5 it's hard to -- you can't send them to their room.

6 MS. BLUM: With the mustard gas?

7 FACILITATOR KERN: And any kind of tanks.

8 MR. COOPER: So -- okay. I just -- at
9 least with Devender being here tonight, I wanted to give
10 them a little primer on our petroleum program, and then
11 from the same map, you can see the red, I guess, whatever,
12 magenta covered sites -- those are a lot of our major
13 CERCLA sites.

14 As far as, you know, major sites, we have
15 more CERCLA sites than petroleum sites. They've been more
16 expensive, and always when I do my financial report,
17 you're going to see that's where we've encountered a lot
18 of our cost overruns and financial shortfalls is in our
19 CERCLA program, but since I've been talking quite a bit
20 already, I'll probably stop right there.

21 The CERCLA sites deserve its own, you know,
22 presentation with Bob, you know, in the room at the same
23 time.

24 MR. ULLENSVANG: I think one thing that is
25 notable in the CERCLA sites and shouldn't wait until next

1 time is that the Trust just recently, since the last
2 meeting, received the first certification for any CERCLA
3 site on the Presidio, and Bob's agency can certify the DEH
4 site as being complete --

5 MS. BLUM: My lord.

6 MR. ULLENSVANG: -- which is a major
7 accomplishment for those RAB members, and early on, that
8 was back in '96/'97 that the Remedial Action Plan was
9 signed, and the RAB participated in the crafting of that
10 document, and it was done in a way which brought the Army
11 into some sort of action.

12 It was all in preparation for the Crissy
13 Field restoration work, but even after that work, the
14 construction was done in '99. It still takes a long time
15 to get the site complete and certified as being done.

16 MR. COOPER: Right.

17 MR. ULLENSVANG: But that now -- the Trust
18 has just received that.

19 MR. COOPER: Just so you know, the area
20 that we've received final, final certification from DTSC,
21 so you can see a whole bunch of CERCLA sites that is red
22 hatched.

23 That means the CERCLA site is considered
24 complete, but sometimes even after the soil, you know,
25 excavation's done, there are oftentimes where you have to

1 do longer term ground monitoring.

2 In fact, almost every time we have to do
3 longer term ground monitoring, and the DEH area is just
4 this one here in the corner.

5 The Trust had taken over the groundwater
6 monitoring there. Groundwater had met cleanup levels for
7 the required period of time. We filed the paperwork and
8 DTSC has approved it.

9 The next one that we're going to be trying
10 certification on is Crissy Field, which is a much bigger
11 red hatched area. We're working with DTSC to try to get
12 certification.

13 Some issues have cropped up that made that
14 certification more complicated, which we won't get into
15 tonight. Older members might know building 937.

16 Some things have come up to complicate that,
17 but we're working on that certification, as well.

18 MR. ULLENSVANG: And Bob indicates it's
19 forthcoming.

20 MR. COOPER: Right.

21 MR. YOUNGKIN: Does that mean the wells can
22 be destroyed at DEH?

23 MR. ULLENSVANG: Yes.

24 MR. COOPER: Yeah, right. Actually, I can
25 write that down.

1 FACILITATOR KERN: So this map -- yes.

2 MR. GONZALEZ: What other agency is doing
3 the green cleanup?

4 FACILITATOR KERN: The Golden Gate
5 Bridge --

6 MR. ULLENSVANG: There's two. The one at
7 the -- up near the Golden Gate Bridge is the Golden Gate
8 Bridge District, which is the Golden Gate Bridge and
9 Highway Transit District, which is the acronym, and down
10 by the intersection of Highway 1 and Doyle Drive is
11 Caltrans, which is the elevated structure of Doyle Drive.

12 MR. YOUNGKIN: Those are lead cleanups.

13 MR. COOPER: Right. That's lead paint
14 flaking off their structures and hitting the ground.

15 FACILITATOR KERN: Jan.

16 MS. BLUM: I know that Devender's with the
17 Regional Water Quality Board.

18 What does "Regional" mean? How many regions
19 are there? Is it just the State of California?

20 MR. NARALA: There are nine regions for the
21 whole State of California, and the Water Board is in
22 Sacramento, and ours is called San Francisco Bay Water
23 Board. Basically that's what it's called.

24 We have jurisdiction for like the Santa
25 Clara County, Alameda County, San Francisco, a little bit

1 of Contra Costa. So we are responsible for those
2 counties.

3 Any other --

4 MS. NEWTON: How many people are in your --

5 MR. NARALA: Office.

6 MS. NEWTON: -- region?

7 MR. NARALA: 150 easily. Because we --
8 this is just one part of the program. We do surface
9 water. We do storm water. We do regulating the
10 wastewater treatment plants, groundwater protection.

11 MR. BERMAN: Sewage disposal.

12 MR. NARALA: Yeah.

13 MR. COOPER: Devender's office is in
14 Oakland, by the way.

15 FACILITATOR KERN: Well, another very
16 important aspect of this map is showing the magenta cross-
17 hatched things is over the thirteen plus years, there has
18 been some work. In RAP3 --

19 MR. COOPER: Do you want to go to the next
20 map?

21 FACILITATOR KERN: Craig maybe can talk
22 about these different documents and comment a little bit
23 about RAP3, why we're trying to get this done by when?

24 MS. MONAGHAN: May.

25 FACILITATOR KERN: Trying to get it signed

1 by May --

2 MR. COOPER: Yes, we can.

3 FACILITATOR KERN: -- 2007.

4 MR. COOPER: That's an important footnote,
5 2007.

6 Okay. We're looking at the other map now.
7 We might as well finish out our discussion of maps. It
8 would be great if you bring these maps to RAB meetings.
9 Sometimes it will be on the agenda, and sometimes it won't
10 be on the agenda.

11 We'll be talking about a site. Especially
12 for the new RAB members, you can say, "Where the heck is
13 that?" At least you'll have something in front of you to
14 help you.

15 So this is a -- this map, even though it
16 still shows the major petroleum sites in now blue -- you
17 see those same, they were orange on the other map.

18 Do you see the bright blue sites? Those are
19 the petroleum sites that Devender has the lead on, but
20 this map is primarily about the CERCLA sites, and --
21 and -- and grouping the -- we have grouped our CERCLA
22 sites into certain groups called Remedial Action Plans,
23 RAPs. That's what Doug was talking about.

24 So as you can see, if you go down in the
25 legend here, you can see RAP number 1 -- RAP1 and RAP3.

1 Do you see where that is? How they're
2 cross-hatched, so RAP1 had two sites in it and the
3 cleanup's been done and we're kind of in the groundwater
4 monitoring phase.

5 So they're in the all sites, there was a
6 total of five CERCLA sites in RAPs 1 and 2 combined, and
7 those cleanups have been done over the last couple years
8 by the Trust.

9 Next up, RAP number 3, the very, very
10 important document. It's for sites that are in that
11 magenta/reddish -- I guess that's the purplish magenta
12 color. Everyone following along?

13 And those sites -- I know if you're color
14 blind, you're going to have a really hard time with this
15 map, so -- but the RAP3 sites, if you look at it, they're
16 the magenta sites. I'll just point out a few.

17 There's 28 sites now in RAP number 3.
18 That's why it is such, you know, a hugely important
19 document for the success of our CERCLA program.

20 You can see some down here in the southern
21 part of the Presidio where it says Nike swale and Nike
22 facility in graded area 9. You can see a cluster of RAP3
23 sites down there. You can see some RAP3 sites over on the
24 Baker Beach bluffs.

25 Anyway, there's RAP3 sites scattered

1 throughout the Presidio.

2 The Trust -- you're probably wondering what
3 kind of grouping is that if they're not -- what's the
4 logic behind that?

5 It's kind of a grouping logic that the Trust
6 inherited from the Army. It's basically what they call
7 the main installation sites RAP or operable unit, which is
8 another grouping label that there really isn't much --
9 Brian, do you know any logic behind this kind of a
10 grouping of the main installation?

11 MR. ULLENSVANG: Not that really matters
12 now.

13 MR. COOPER: Yeah.

14 MR. ULLENSVANG: There was logic at the
15 time, but it's just irrelevant now.

16 MR. COOPER: So we have these grouping of
17 CERCLA sites and you have to look at our color -- color
18 coded map to understand which ones are which, but why
19 that's important, a CERCLA site can't go to construction
20 and cleanup until we get DTSC's approval of the RAP
21 document, and it -- in fact, even the design document,
22 which is after the RAP.

23 So that's why it's so important to talk
24 about once we get past the RAP, we're kind of on the
25 downhill side now of the pipeline process and we're

1 heading downhill and heading toward cleanup.

2 It's getting to the RAP, you know, an uphill
3 battle because we're scoping. We're trying to decide what
4 the right remedy is. We're collecting data and we're
5 trying to make a decision on do we have enough data to
6 make a decision.

7 Collecting data we found out costs a lot of
8 money to take water samples. That's the real hard part
9 that some people don't find very glamorous, but that's
10 actually -- that is really the most important part, and
11 once a RAP is signed, then we're just figuring out the
12 design on how to implement the agreed upon remedy and then
13 we go and do that, and I actually consider that more --
14 it's still obviously very important to make sure that the
15 cleanup's done correctly and thoroughly, but that's kind
16 of the fun part, the good times part.

17 So -- that we're all striving to get to good
18 times very soon.

19 FACILITATOR KERN: By?

20 MR. COOPER: Signing RAP3 by May 2007. Oh,
21 my God. Did that get into the minutes?

22 FACILITATOR KERN: All right.

23 MR. COOPER: We'll be looking at these maps
24 quite a bit.

25 MR. BERMAN: Do you want to just make a

1 remark, Craig, about the cost estimates and where they are
2 in relationship to the RAP itself?

3 MR. COOPER: As I mentioned, the CERCLA
4 program in general, I'll do a whole presentation on the
5 costs in February. I'll be back from vacation then, and I
6 think we currently have a 29 million dollar shortfall in
7 our CERCLA program alone, just to give you an idea, you
8 know, of the problems we've been having in our CERCLA
9 program.

10 Some of the programs are coming in a little
11 under -- the petroleum and lead-based paint are coming in
12 on budget, but the CERCLA program has been giving us fits
13 as far as trying to stay on budget, and in my opinion, the
14 Trust underestimated the cost of the CERCLA program back
15 in 1999, and this is what we're struggling with now.

16 FACILITATOR KERN: Since we realized that
17 there was a difference between the 1999 estimates and 2004
18 to present day, we're now -- instead of calling it a
19 shortfall or an overrun, we're calling it a gap, a gap in
20 funding that we'll need to meet somehow.

21 MR. COOPER: Right.

22 FACILITATOR KERN: Because all these
23 obligations need to be met. They're going to cost more.
24 We're going to figure out how we're going to get the money
25 somehow, by both managing the money that we have the best

1 we can and also using the opportunities that are going to
2 be available to us.

3 Devender's predecessor, Jim Ponton actually
4 had a contact with a Caltrans person, and over a period of
5 several months, up to -- I don't know -- maybe a year,
6 there was a lot of negotiation which led to some
7 submitting grants to Caltrans to try to secure money for a
8 particular site, and it was substantial.

9 It was like 650,000 that at one point we
10 were actually awarded it, but I don't know that we've
11 actually received the money, but we have lots of different
12 opportunities to get the funding that we're going to need
13 to get all the sites cleaned, and as a principal guiding
14 objective or goal for the RAB, I think that's going to be
15 a lot of what we're going to be shepherding is making sure
16 we're, you know, looking at all the decisions that are
17 being made.

18 Are they -- are we controlling the costs the
19 best that we can, providing Craig as much support and
20 inspection of all that to help him control costs, and then
21 where we can begin to identify places where we're going to
22 find an additional funding.

23 MR. BERMAN: Ah --

24 FACILITATOR KERN: Sam.

25 MR. BERMAN: Just historical clarification.

1 When the MOU was signed in 1999, was there ever a CERCLA
2 site that had been cleaned up in any of the -- of the RAP
3 entities?

4 FACILITATOR KERN: Crissy Field was a
5 CERCLA site.

6 MR. ULLENSVANG: Beyond the Presidio?

7 MR. BERMAN: Yeah.

8 MR. ULLENSVANG: I would imagine that there
9 had been.

10 MR. BERMAN: Because I would have thought
11 so. I mean, one of the things that we've learned is how
12 complicated it is to satisfy all the conditions of the
13 CERCLA law, and it would have been interesting that had
14 more investigation of what that was at the time of the
15 MOU, because now we're -- I think there's a recognition
16 that the -- the company difficulties financially have been
17 part due to the comprehensiveness. That is the C in
18 CERCLA.

19 MR. COOPER: The C in CERCLA.

20 MR. BERMAN: And that's, in fact, a driving
21 force. Just to --

22 FACILITATOR KERN: Yeah, and at times, that
23 comprehensiveness and complexity has caused all this team
24 to retreat to their various corners of the room, sort of
25 metaphorically and stand sort of in their part of the law,

1 because each group, whether it's the RAB or the Park
2 Service or the Water Board, the Trust or the DTSC all have
3 laws that they can, you know, rely on to help them get
4 their job done.

5 Over the last year plus, it's really
6 recognized -- been recognized by all the parties that in
7 order to make this go -- because it's so complex, so
8 comprehensive that it has to work like a team, and the
9 differences have to be worked out or else nothing does get
10 done.

11 So I think that's another element that kind
12 of goes hand in glove with what Craig was saying about
13 these signed documents and orders.

14 They're part of the picture, but the
15 teamwork here is really a big part of the -- what's
16 getting this document hopefully signed by May is the
17 teamwork.

18 MR. COOPER: Right.

19 FACILITATOR KERN: And people are really
20 going to extra trouble to get that done in time, so -- but
21 you're right.

22 MR. BERMAN: Yeah. I think it would
23 have -- just from the historical record, it would have
24 been useful.

25 I mean, every time I go back to the MOU, it

1 just looks like there's so many aspects of it that are
2 really naive, and it's -- and it just occurred to me, you
3 know, if there were CERCLA completions in 1999, one could
4 have gotten some -- some better understanding of -- of
5 what one was getting into, because that was clearly the
6 time to do the negotiations and -- you know, the lawyers
7 were all worried about little fine words here and there
8 and there's no examples anywhere of discussion about
9 CERCLA.

10 I mean, I remember when we were going
11 through that here, I don't remember any discussion of any
12 examples, and so now we're -- I'm only saying this because
13 we're now paying the price of not really understanding
14 what is required by the law to actually get it done, and,
15 you know, not just look at it as some abstract piece of
16 paper, but to really satisfy that comprehensive plan
17 that's required.

18 MS. BLUM: I think it's important to note,
19 too, that as Doug mentioned in his opening comments that a
20 very specific fund was negotiated for the Presidio,
21 whereas in those cleanups, it's sort of an open-ended
22 book.

23 So the process of cleaning up the Presidio
24 has been made more difficult because we have restraints on
25 the money, and so that's made our job more difficult or

1 maybe more challenging, would be the more positive way to
2 say it, has sort of altered the way that the RAB works and
3 the way the Trust works with the community.

4 So it's probably right now more -- seems
5 like more bad news, but in the long-term, it could be more
6 good news in terms of what we finally accomplish because
7 we had a budget.

8 We didn't have an open-ended checkbook. We
9 couldn't just write the checks to clean it up.

10 FACILITATOR KERN: In many ways, we've
11 covered item number 5 on the agenda. I think we've talked
12 about the charter. We've looked at a lot of sites. We
13 will get an updated financial report the next meeting.

14 The history with the Army, a long painful
15 period that we're happy to talk about any time, tell you
16 war stories. Our history with the Trust has improved
17 dramatically over the past few years.

18 There have been several sites and a lot more
19 progress is going to happen if we can get this document
20 signed and moved on to construction.

21 You can see why it's so critical. It's been
22 a while since we've dug something up, so that really has
23 to happen. We have to be digging this summer.

24 And then the goals and the future RAB
25 activities are going to be around finding the money to

1 fill in that gap to make sure that all these colors are
2 eventually -- all the cross-hatched things and everything
3 gets done.

4 Devender.

5 MR. NARALA: I want to correct you a little
6 bit there because I'm part of it. We are digging right
7 now on the petroleum site. CERCLA site is the one.
8 Sorry.

9 FACILITATOR KERN: We are digging, and
10 there's been a lot of -- it goes back to the point of the
11 money, too, because the sites that Devender is referring
12 to, we didn't just dig it up willy nilly. We got in
13 there.

14 There was a lot of evidence that there was
15 going to be a lot of widespread contamination. The data
16 that was collected to make those determinations kind of
17 led us a little bit astray, and so the process was altered
18 midstream, and hopefully that will save us some money and
19 a lot less digging up of stuff that's not going anywhere.

20 Some day if we need to dig it up, we know
21 what it is.

22 So that's right. There has been digging and
23 there will be more.

24 Any comments from the new members on any
25 questions? No matter how silly it might seem to you, if

1 it's -- anything, yes.

2 MS. KRAMER: So the sites that you're
3 responsible for cleaning up, all that -- the money for
4 that still comes out of the Trust's --

5 MR. NARALA: That's right.

6 MS. KRAMER: -- finite amount of money?
7 There's no other agencies --

8 MR. COOPER: No. So that 99 million that
9 we got from the Army plus interest that accrued to date,
10 that's -- that's the pot of money that we have to do all
11 this work.

12 Now there is some caveats to this. We did
13 buy some cost overrun insurance and we have some insurance
14 for a known contamination and we can talk about that, as
15 well, and the role that those insurance policies may play
16 to help us out now and in the future.

17 FACILITATOR KERN: Yes.

18 MR. GONZALEZ: {} Without regard for
19 politics, what are your options in terms of raising money?
20 Is it just raising rent locally within the Presidio? Can
21 you do bond measures? I don't know what the nature of the
22 Presidio Trust. Can you do bonds?

23 MR. COOPER: Actually, no. We're a federal
24 agency, so the RAB has actually formed a little
25 fundraising subcommittee, which we have three or four

1 members on, and we have a little one-pager, I guess, where
2 we've started to brainstorm different ways that the
3 Presidio Trust remediation program or the Presidio
4 remediation program could do some fundraising on a kind of
5 project specific -- on certain sites could be, you know,
6 more conducive to get some fundraising together.

7 We're looking at potential grants that could
8 help out with certain aspects. We're looking at asking
9 for a contribution from other agencies that may have
10 liabilities, specifically Caltrans.

11 There's a site or two that we think that
12 Caltrans has legal liability, and so therefore they should
13 write us the check.

14 We're going back to the Army for certain
15 sites to pay. Unfortunately the Army got a pretty clean
16 cash out. It's very hard for the Trust to go back to the
17 Army on -- in general, but there's certain reopeners with
18 the Army that we are pursuing.

19 And, you know, down the road, you know, the
20 Trust, you know -- you know, that's the real hard one.
21 For the Trust to take money out of our general funds, you
22 know, the money that we either get from -- we get a little
23 bit of money from Congress every year that decreases that
24 will become zero in the year 2013, and then we get our
25 rent revenue, basically, and there's so much pressure on

1 those funds right now because we got the other departments
2 in the Presidio Trust have all these projects going on
3 that are working toward our financial self-sustainability
4 and turning the Presidio into a national park.

5 MS. NEWTON: So they won't share.

6 MR. COOPER: Right. They don't want to
7 share right now. That money's been booked for other
8 projects.

9 Now if we become cash rich, you know, then,
10 you know, sharing could be nice down the road, but I don't
11 see it any time soon. That money's pretty much hopeless.

12 MR. WILLNER: Is there any look given to
13 putting up a fence around these spots and keep people off
14 of it?

15 FACILITATOR KERN: We do at least one fence
16 around a site, and it becomes a huge annoyance to people
17 wanting to go through that.

18 It's a national park, and some of the sites
19 are open to wildlife and people don't expect to run into
20 fences keeping them out of sites, but it is --

21 MR. WILLNER: So --

22 FACILITATOR KERN: -- one of the things
23 that's done.

24 Well, it's our objective to make sure sites
25 are cleaned up. I'm not personally satisfied to just

1 fencing it off as a long-term solution.

2 MR. BERMAN: That was the Army's approach
3 in some cases just to consider them as off-site areas, and
4 I think the philosophy that we've taken is that we'd like
5 to make those sites go to zero to preserve the essential
6 quality of the park and not to remind everybody that goes
7 there to the park that in the midst of this greenery,
8 there are some toxic poisons sitting there.

9 MR. COOPER: And the Trust kind of position
10 on that is that, you know, we could put a fence around a
11 site. It doesn't take the legal liability away.

12 First there's kind of the moral and ethical
13 issue trying to respond to these hazardous substances, but
14 it doesn't take our legal liability away unless the Water
15 Board or DTSC approves it in our RAP or formal regulatory
16 document.

17 Just because we put a fence around it, that
18 doesn't really do us any good as far as getting it off our
19 books from a legal perspective, as well.

20 MR. WILLNER: From what I hear, this job
21 looks undoable.

22 MR. COOPER: Well, it's going to be
23 challenging, absolutely, right. So I think as you stay on
24 the RAB, there are -- there's some hope out there to make
25 ends meet down the road. It's not going to be easy, but

1 if it was easy, I guess we wouldn't need anybody's help.
2 We'd be done.

3 MR. ULLENSVANG: We'd be done.

4 FACILITATOR KERN: Other questions at this
5 stage?

6 We have other activities when the days get
7 longer having you have site tours so you can put a --
8 actually walk on these sites, see what it is that we're
9 trying to protect.

10 I think it also would be a good idea to take
11 you to sites that have been cleaned up so you can see
12 the -- the result of work.

13 We can describe the war stories of, you
14 know, climbing down through poison oak and a lot of debris
15 and now it's a beautiful new site that habitat has
16 restored, and hopefully a lot of these things will be
17 cleaned up coming up here with RAP3.

18 There's a lot of big magenta colored things
19 here on this map that we can get started on.

20 Are there any comments from the regulatory
21 agencies? Devender, anything else?

22 MR. NARALA: No.

23 FACILITATOR KERN: Any new business or
24 public comment? Yes.

25 MS. BLUM: Chatty Kathy tonight.

1 When I first became a member of the RAB, Sam
2 shared with me his map, which is very old, but I find
3 very, very helpful, and it's a huge map and it names all
4 the streets.

5 So this -- this is good for general purpose,
6 but it doesn't really tell you where you are, and I've
7 been using the same map that I copied from Sam's map for
8 five years, and if there's a way that you could maybe get
9 this back and make some colored copies for the new
10 members, I think this would be extremely helpful because
11 everybody can kind of see where the streets are and it
12 names the national cemetery so you can get off -- get it
13 located.

14 MR. COOPER: I actually have these maps
15 using a base map that has street names and building
16 numbers.

17 MS. BLUM: I would love to see this kind of
18 thing, just even the sites overlaid on the map.

19 FACILITATOR KERN: So on a bigger scale,
20 basically.

21 MR. COOPER: The thing is -- to have street
22 names on it, generally you need -- it needs to be bigger.

23 MR. BERMAN: Yeah. You have to have it
24 that size.

25 MS. BLUM: This is a great help, Craig. I

1 use this all the time. Maybe everybody else would like
2 it.

3 MS. NEWTON: That map works very well for
4 streets.

5 MR. COOPER: It's the same.

6 MS. BLUM: I think the point is we need to
7 get the streets and the site overlay on one map. It makes
8 it so much easier to figure out where you are.

9 MR. COOPER: All right.

10 MR. BERMAN: I didn't make that map up. I
11 got it --

12 MS. BLUM: I know. I know it's outdated,
13 but it's still good enough.

14 MR. COOPER: Okay. I'll see.

15 MS. BLUM: Okay.

16 MR. COOPER: -- what I can do.

17 MS. BLUM: The other thing that I would
18 like to suggest is maybe we put it in the pink section in
19 the Chronicle or some of the local newspapers -- there's a
20 section where they have what's happening, any of those
21 event schedules that we start posting RAB public meetings
22 for those that might remotely be interested in
23 participating.

24 FACILITATOR KERN: So we have come a long
25 ways from having four meetings a month all the way to

1 11:30 or 12:00. Now we try to get them done by 9:30, nine
2 o'clock if we can really do it.

3 So I think what we're trying to do now is
4 have meetings that are distilled down to points that we
5 can really handle in one evening.

6 So I'm very interested in knowing how you
7 receive the meetings and your comments and reflections on
8 how the meetings go for you.

9 So you have my e-mail. You can get in touch
10 with Mark about it. Any ways that you want to feedback,
11 phone. I can get my phone out to you.

12 So let me know, and particularly in these
13 first few months, as you're having questions, please ask.
14 Please ask for any of the veteran members.

15 Any thoughts for the good of the order
16 before we conclude?

17 Thanks, then, to everyone for coming out
18 tonight. Happy New Year, again, and without objection,
19 meeting adjourned.

20 (The meeting concluded at 9:08 PM).

21 ---o0o---

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25

1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

3 I, the undersigned, hereby certify that the
4 witness in the foregoing deposition was by me duly sworn to
5 testify the truth, the whole truth and nothing but the
6 truth in the within-entitled cause; that said deposition
7 was taken at the time and place therein stated; that the
8 foregoing is at the time and place therein stated; that the
9 foregoing is a full, true and complete record of said
10 testimony; and that the witness was given an opportunity to
11 read and correct said deposition and to subscribe the same.
12 Should the signature of the witness not be affixed to the
13 deposition, the witness shall not have availed
14 himself/herself of the opportunity to sign or the signature
15 has been waived.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties in the foregoing
18 deposition and caption names, or in any way interested in
19 the outcome of the cause names in said action.

20 IN WITNESS WHEREOF I have
21 hereunto set my hand this

22 26 day of JANUARY,
23 2007.

24 
25 MARK I. BRICKMAN CSR 5527

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PRESIDIO RESTORATION ADVISORY BOARD MEETING

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, FEBRUARY 13, 2007

GOLDEN GATE CLUB

PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR

License No. 5527

ATTENDEES

RAB Members:

Doug Kern, Facilitator

Craig Cooper

Brian Ullensvang

Bob Boggs

Devender Narala

Sara Segal

Gloria Gee

Sam Berman

Jan Monaghan

Julian Hultgren

John Budroe

Julie Cheever

Michelle Passero

Jan Blum

Edward Callanan

John Chester

Barbara Newton

Toni Kramer

Jay Willner

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BE IT REMEMBERED that, pursuant to Notice of the Meeting,
and

on February 13, 2007, at the Golden Gate Club, Presidio of San Francisco,
California,

before me, MARK I. BRICKMAN, CSR No. 5527, State of California, there
commenced a RAB meeting under the provisions of the Presidio Trust.

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AGENDA

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1 FACILITATOR KERN: Welcome, everyone. This
2 is the regularly scheduled meeting of the Presidio
3 Restoration Advisory Board for February 2007.

4 We're going into an important period here.
5 Summit meeting next week, doing a lot of wrap-up on our
6 Remedial Action Plan three, trying to get that done.

7 So a lot of good stuff tonight at tonight's
8 meeting, and when things are ready, we'll get started, but
9 first, does everyone have an agenda?

10 Are there any changes or anything -- any
11 additions.

12 I know a few people are out tonight. Mark
13 and Jan called me or left me messages saying they wouldn't
14 be here. There won't be votes for tonight's letter
15 discussion.

16 MS. SEGAL: Doug, is there any difference
17 between the proposed agenda and the agenda?

18 FACILITATOR KERN: They should both be the
19 same. I'm not sure why we have two.

20 Are there any announcements?

21 I can tell you, Mark's not probably going to
22 be here tonight, so the committee meeting that we had
23 on -- it's now three weeks ago. We focused on the letter
24 discussion for RAP3, trying to talk about some of the
25 financial issues that we're going to bring to the larger

1 group tonight.

2 George was there. Craig was off in other
3 parts of the world. Maybe he can tell us a little bit
4 about where he was.

5 In Craig's absence, we were able to confer
6 with George about our ideas on moving ahead on the
7 financial part of it.

8 I know that when we get to that part of
9 tonight's meeting, there's a lot of things that have been
10 going on, so I can report a little bit more on our moving
11 ahead with the finances.

12 Mark usually has a full committee report.
13 It's not here, so that will have to do.

14 I think we're ready to move on to item 5
15 already, and so --

16 MR. COOPER: I am totally ready except for
17 some reason, that computer is not communicating with the
18 projector.

19 Don't you have to hit F5 sometimes?

20 MR. ULLENSVANG: I'm not sure the USB plug
21 is supposed to be in there.

22 MR. COOPER: This is a new thing.

23 FACILITATOR KERN: While Craig is working
24 with the technical aspects of the report, I can tell you
25 that the copy of tonight's letter for that Summit meeting

1 went out later in the afternoon today. We've been working
2 on it for about three weeks back and forth.

3 The reason that it went out late today is
4 that we were still trying to get in the right dates for --
5 to propose for the pre-Summit -- I mean, the RAP3 public
6 comment period.

7 So I think we have a fairly good targeted
8 date for that. So everything that we're going to put in
9 this letter hopefully is going to be agreed to by the
10 agency members, and we're seeing no Bob or Devender
11 tonight. So they may hopefully arrive.

12 MR. COOPER: Right.

13 FACILITATOR KERN: Has anybody heard from
14 them?

15 MR. COOPER: Unh-unh. I haven't heard a
16 thing.

17 MR. BERMAN: Well, the only date that's in
18 the -- in the last version of the letter seems to be that
19 the RAP be signed by May 2007.

20 FACILITATOR KERN: Right.

21 MR. BERMAN: So that's the only date that
22 appears in the version that came this afternoon.

23 FACILITATOR KERN: Well, there's another
24 date. To begin the comment period in mid-April.

25 MR. BERMAN: Yeah.

1 FACILITATOR KERN: And to begin to
2 immediately start contacting the community groups to get
3 on their calendars for March.

4 So those are the major dates. The mid-April
5 date moved from the last letter to -- it was mid-March,
6 but there were some very genuine things that had to be
7 done.

8 MR. COOPER: Sorry about that, everybody.
9 I'm getting a new laptop from -- each time I'm doing this.
10 So it seems like -- it's now searching for the signal.

11 MR. ULLENSVANG: Try plugging the USB in.

12 MR. COOPER: Okay. So everyone has this
13 handout here?

14 MR. WILLNER: No.

15 MR. COOPER: So as you know, or for the new
16 RAB members, you may not know. Every quarter, every three
17 months, I have been asked to present kind of an overview
18 of the Presidio remediation program, and including both
19 the status of the cleanup of all the remediation sites,
20 then -- plus the status of the financial situation with
21 respect to the Army funding that the Presidio Trust
22 received from the Army back in 1999.

23 So -- and that's -- and it so happens that
24 this is one of our quarterly updates.

25 So the first slide is -- so what I'm going

1 to do is walk everybody through the three main programs we
2 have in our overall remediation program, which is our
3 hazardous substance sites cleanup. We call those CERCLA
4 projects, petroleum projects, and then lead-based paint
5 and soil projects.

6 So our first slide talks about RAP
7 Remediation Action Plan Number 1, which contains two
8 sites, landfills 4 and 5, and we have finished the clean
9 closure of those two landfills and we've been monitoring
10 groundwater at both sites in accordance with the RAP, and
11 actually the RAP allows for some reduction of the
12 groundwater monitoring if certain analytes have --
13 don't -- don't appear in the groundwater monitoring wells.

14 So we've been reducing groundwater
15 monitoring. There's been some sporadic detections that
16 we're continuing to check before we request the regulators
17 that we're completely done there.

18 One thing -- the second bullet is about
19 something that we discussed last quarter, which was at
20 both landfills, we had to import some soil to fill in some
21 low spots, basically at the -- at both sites, and the
22 Trust believed that soil to be clean.

23 Well, subsequently after placing that soil
24 in some of the low spots at both cleaned up landfill
25 sites, we got some information saying that maybe the soil

1 was not clean, so we went and tested the soil, the
2 backfill soil in situ, in place where it sits, and -- at
3 each site and we're going to be issuing that report this
4 week for sure.

5 It's been delayed a little bit, but it's
6 definitely going out this week, and the target contaminant
7 that we're looking for is a pesticide called Chlordane,
8 and it's an old pesticide that was used in the '40s and
9 '50s for various purposes.

10 So I think I talked about there's some
11 preliminary test results that we have, and when the report
12 goes out, we'll definitely talk about if we can have a
13 session, you know, next month at the RAB about -- please
14 show up. Well, I don't have the computer turned on.
15 Sorry about that.

16 Okay. So any questions about that? We
17 talked about kind of preliminary results last quarter. We
18 should wait until the report gets issued and then we can
19 talk about the actual concentrations detected at each
20 landfill site.

21 MR. CHESTER: I have one question. On the
22 backfill material --

23 MR. COOPER: Yeah.

24 MR. CHESTER: -- was it the Trust's belief
25 that it was clean and therefore who -- in looking into the

1 payment.

2 MR. COOPER: We got it from the location
3 inside the Presidio. So it's really our own fault.

4 MR. CHESTER: Okay.

5 MR. COOPER: The project manager had some
6 information that he thought was sufficient enough to
7 believe the soils were clean. So we got it from the
8 Letterman/Lucas construction area where they're building
9 their underground garage, so we thought that was a pretty
10 safe bet.

11 I think that sort of would be clean, but
12 some of it was and some of it wasn't, so that's the story
13 behind that.

14 We are finding -- just kind of an ongoing
15 issue that's coming up at another site, as well, is just
16 finding -- now that we -- that experience has really
17 sensitized us to importation of any soil to the Presidio,
18 and -- because we certainly don't want to have apparent
19 victory of cleaning up a landfill and then inadvertently
20 bringing in soil that is contaminated.

21 Then what have we really gained? Not a real
22 good thing.

23 So we have -- DTSC actually has draft
24 guidance out.

25 (Slide presentation begins).

1 MR. COOPER: So that was the slide we just
2 talked about, and I just was kind of bringing up as a
3 basic issue was this issue of importing soil.

4 You know, at our clean closure sites, we
5 don't like -- we try to avoid importing soil at all, but
6 sometimes just for the edges to meet grade, and so there's
7 not a dropoff next to a road and things like that, it
8 can't be avoided to import some soil, and some sites,
9 they're big and the requirement is to backfill all the way
10 because there's a road going over it or a parking lot
11 going over it or something like that.

12 So some projects do involve some level of
13 importation of backfilled soils, and -- for the project to
14 be considered complete, and we are now very sensitized to
15 rigorously testing any imported soil that we bring in as
16 backfill material at a remediation site, and when we get
17 to another site that we're actively working on right now,
18 I'll talk in a little bit more detail about the process
19 that we're going through.

20 But there is -- if you're getting soil from
21 a quarry, what kind of potential contaminants might be
22 derived from quarry soils, or if we're getting soil from
23 an agricultural area or from wherever, the former
24 Letterman hospital area.

25 So -- and not only is there advice as what

1 type of contaminants to look for, there's frequency of
2 testing, because some projects, you got to bring in
3 several thousand cubic yards of soil, and you just don't
4 test once. You got to bring it in and make sure that
5 you're not only looking for the right potential chemicals
6 in the imported soil, but the right frequency.

7 MS. PASSERO: Craig --

8 MR. COOPER: Yes.

9 MS. PASSERO: -- are there other areas
10 where there has been imported soil that hasn't been
11 tested?

12 MR. COOPER: That the Presidio Trust
13 remediation department --

14 MS. PASSERO: Yeah.

15 MR. COOPER: -- imported?

16 MS. PASSERO: Other sites.

17 MR. COOPER: This -- all I'm aware of is
18 the soil from the Lucas/Letterman project, and we used it
19 primarily at landfill 4, fillsite 5. We did use it a
20 little bit at -- if you take Gerard Road.

21 You know what I mean Gerard and then you
22 take a forced right?

23 MS. PASSERO: Yeah.

24 MR. COOPER: There's a little embankment
25 there. We used a little bit there, and at fillsite --

1 MR. ULLENSVANG: 6.

2 MR. COOPER: -- 6A, right. But that's been
3 tested, as well at fillsite 6A, yeah.

4 In the -- on the Gerard side of fillsite 6A.

5 MR. BOGGS: We also have the graded --

6 MR. COOPER: And we have graded area 9
7 sand.

8 MS. PASSERO: You have tested that?

9 MR. COOPER: Yes.

10 MR. CHESTER: Sometimes the burden of
11 testing should be on the source of where the soil's coming
12 from. If there's an outside source that a contractor has
13 said they've got a bead on getting clean soil, then
14 testing might be the results upfront before it comes on-
15 site or the frequency of testing.

16 MR. COOPER: It's a business deal. You
17 know, some people, they're trying to sell soil and it kind
18 of depends on the deal that's worked out.

19 You definitely ask around. You know, you
20 just don't want to take soil totally blindly. You ask
21 "where are you getting it from? What is the previous use
22 of this site? So you kind of know what to test for.

23 But basically the party receiving the soil,
24 I'd like to do my own testing and not rely on somebody
25 else's test results saying, "Oh, yeah. This soil's fine

1 and here's our results," because they'll probably have a
2 different quality assurance testing program and so on.

3 So --

4 MR. WILLNER: Do you just take one reading
5 or three readings or five readings?

6 MR. COOPER: It depends on the quality we
7 import. If we take in five cubic yards or less, one set
8 of testing is done. The DTSC guidance sets it up as
9 you've got a stockpile sitting there. You walk around the
10 stockpile and collect several little bits of soil, and
11 then you mix that together, and so it's kind of -- it will
12 be representative of the entire stockpile.

13 But if you bring in another 500 cubic yards,
14 then another set of tests need to be done.

15 MR. WILLNER: Do the same people do all the
16 testing?

17 MR. COOPER: The Trust remediation
18 department. We don't have one.

19 MR. WILLNER: It's a very delicate
20 instrument.

21 MR. COOPER: No. We put it in jars and
22 send it to a lab. We're not doing any type of field
23 measurement for this type of importation of soil testing.

24 MS. SEGAL: With Chlordane, which is long
25 lasting, but couldn't there just be hot spots? Are you

1 finding the same level?

2 MR. COOPER: That's what happened.

3 MR. BOGGS: That's kind of what he was
4 trying to explain about each 500 cubic yards. You select
5 four samples from that 500 cubic yards and you combine
6 them together and they're all from a different part of
7 that 500 cubic yards.

8 500 cubic yards isn't a lot. We deal with
9 many thousands of cubic yards, so for each 500, we're
10 taking a four point composite, so that you get a good
11 mixture of what your whole stockpile is.

12 MS. SEGAL: But if you're only sampling
13 some portions of the stockpile to do a little road work,
14 if that's the hot -- that -- you're combining the samples,
15 but if it's one little hotspot, you know, in terms of a
16 cubic --

17 MR. BOGGS: Right. If you started sampling
18 every cubic yard --

19 MS. SEGAL: You obviously can't do that.

20 MR. COOPER: It's never a perfect process.
21 You're right. There's always some level of concern.

22 MS. SEGAL: Especially with Chlordane.

23 MR. COOPER: Taking a four point composite.
24 That's what everybody has generally agreed that's a
25 sufficient rate of testing.

1 MS. SEGAL: But all the soils that we got
2 from Golden Gate Park, didn't the Presidio get some soil
3 from them or get some --

4 MR. COOPER: (Nods head affirmatively).

5 MS. SEGAL: You guys tested that, as well?

6 MR. COOPER: We have not tested that for
7 every 500 cubic yards. I will not say we did, because we
8 imported 5,000 cubic yards of sand there.

9 MS. SEGAL: How was it -- it wasn't
10 detected at Lucas/ Letterman if you --

11 MR. COOPER: And now we've tested it in
12 situ, right.

13 MS. SEGAL: All right, then.

14 MR. COOPER: Right. Okay. In RAP number
15 2, we -- at fillsite 6A, that site is clean closed. We
16 sent in the completion report and we're doing groundwater
17 monitoring now, so there really wasn't a groundwater
18 problem at this -- significant groundwater problem at this
19 site.

20 At the beginning, the groundwater continues
21 to be clean and we're following the RAP and going to
22 propose to go from testing by the quarter to testing semi-
23 annually as the RAP allows us to do.

24 One other thing -- the second bullet talks
25 about when we had an active remediation site there, we had

1 to conduct some surface water testing primarily for
2 settlements and -- to make sure that during rainfall
3 events, that storm water was not getting into the creek
4 and causing all kinds of, you know, just sedimentation
5 problems in the creek, and now that we've got a completed
6 site, we have terminated our monitoring of surface water
7 testing of the -- of the creek, and we feel like it's not
8 an active construction site anymore.

9 It's a finished site, and so the Trust -- we
10 transferred that work over to Terry Thomas and the Trust
11 natural resources program and they are responsible for
12 monitoring the creek for purposes as they see fit, and
13 including stream flow rates and temperature and things
14 like that.

15 So any questions about fillsite 6A?

16 At Baker Beach 3 and 4, couple more clean
17 closure sites that we've completed and that we are now
18 going from quarterly to semi-annual there, as well.

19 After clean closing Baker Beach 3, the Trust
20 had to restore the road that connected Battery Crosby to
21 Lincoln Boulevard, because we ripped out, you know, a good
22 section of that road, and when we took out the landfill,
23 so we had a design and some construction work to restore
24 Battery Crosby Road, which we did and completed, and we
25 wrote a completion report for the restoration of that road

1 and sent it into the DTSC.

2 It was just like a minor addendum to our
3 overall site completion report.

4 RAP number 3, which is our big discussion
5 point over the last couple months. This is just a summary
6 of -- this has been a long work in progress here, and I
7 think for at least the older RAB members, they know that
8 we've been trying to tie up RAP number 3, which has, as
9 you can see, 28 sites, and we've been sending it in to
10 DTSC in three installments, and all three installments
11 have been sent in, along with a supplemental feasibility
12 study that we needed for eight of the sites. So that's
13 what the first several bullets are.

14 The second to last bullet, RAP3 third
15 interim deliverable was issued to DTSC on January 22nd,
16 and so that was very recently, and DTSC's looked at it and
17 we're working on some issues to tie up the RAP for those
18 sites and getting those fixed.

19 And so our next bullet -- as you can see,
20 the last bullet talks about -- if you take a look at --
21 these are standard durations and all the things that still
22 need to happen before we get a final, final RAP number 3,
23 the document that's signed in November.

24 We'll be then talking to the RAB, and Doug's
25 maybe doing some analysis on how to streamline, shorten

1 durations and things like that to see if we can move it up
2 to a May or a June signature date.

3 So I think we're going to talk about that
4 later on tonight.

5 FACILITATOR KERN: We are going to talk
6 about it. It's -- it's going to be a stretch for
7 everybody. Everybody is going to have to kind of band
8 together and push really hard, and in addition to the RAP
9 being signed, another -- George's folks have to work hard
10 to have the design process ready so that they can actually
11 start construction in June if we get all this signed.

12 So there's a lot of -- everybody's pushing
13 each other now pretty hard.

14 MR. COOPER: So more on that -- this
15 particular issue later on tonight.

16 Now we're going to talk in detail about some
17 of the sites that are contained in RAP number 3. The
18 first bullet is about this project that the remediation
19 program first basically initiated, even though much of the
20 work is being done by another agency, which I'll talk
21 about in a sec, and that is the Merchant Road realignment
22 project, which we have a nice photograph of. That's what
23 it looks like now.

24 Merchant Road used to kind of swing further
25 down and then hit Lincoln Boulevard about another -- I

1 don't know -- 500 feet or so from this current
2 intersection that you see right now.

3 The road is done. The entire project's not
4 quite done yet. We need to do some lighting and I think
5 there's some punch list items, some tidying up that we
6 need to do on the project.

7 It's pretty much complete, 98 percent
8 complete, let's say, and I think it -- it looks great.

9 And one of the reasons why, you know, this
10 is going to be helpful for us -- and I think some of the
11 new RAB members may not know this.

12 So the old road kind of goes off this way
13 and hooks around, and when you drive by this intersection,
14 you'll see that -- actually we've put up some bulwarks to
15 block off the old road, but the remediation department is
16 going to use the old road for our cleanup of Baker Beach 1
17 site, which really was going to be impractical, because
18 there was a space limitation.

19 So we basically -- we're realigning Merchant
20 Road, which was a plan -- which is a plan that's been in
21 the works for the Presidio for a long time now, probably
22 fifteen years.

23 This has been one of the -- a goal of fixing
24 Merchant Road, and at the same time, we're getting the
25 added benefit for having a staging area for our landfill

1 cleanup that hopefully will start in 2007, no later than
2 2008, and now we've got the room to do it.

3 Okay. One thing that we've been doing at --
4 is for the sites is -- well, is -- MacTec is our
5 consultant at Baker Beach 1/2, and we've been doing some
6 additional soil sampling trying to track down where a lot
7 of this roofing debris has come off from the bat rigs in
8 the bluff top area in the Baker Beach 1/2 fill.

9 So that sampling got postponed for a while,
10 but it's going again now, and so we'll have some data in
11 pretty soon, Brian?

12 MR. ULLENSVANG: (Nods head affirmatively).

13 MR. COOPER: We may not have enough
14 information to close the book on that, but hopefully.

15 MR. ULLENSVANG: We won't have it done.

16 MR. COOPER: We won't? Okay.

17 MS. NEWTON: They're trying to figure out
18 where the debris is coming from?

19 MR. COOPER: If you see these batteries,
20 you'll notice some black tarring debris. It's been shaved
21 off. I know Brian and Bob know a lot more at this point.

22 Some of it got placed in piles around the
23 batteries that you couldn't see because they were hiding
24 underneath bushes and brush and some just kind of blew in
25 the wind, and there's a chemical that's in this black

1 tarry stuff that has pH's and is of concern for both human
2 health and ecological receptors.

3 So we're just trying to track down where
4 most of this stuff went and so we can -- we're certainly
5 going to clean up the piles.

6 The stuff that blew around is going to be a
7 little bit hard to delineate. That's why we're going to
8 set up a phased approach and hopefully get our hands
9 around most if not all of it and clean that up, as well,
10 so --

11 MS. NEWTON: How do you know when you have
12 it all? How do you know if you have it all? I --

13 MR. COOPER: Mm-hmm. We do -- we do soil
14 tests in areas that we think are most likely where it
15 fell -- where it hit the ground, and then we do tests
16 where we think that soils should be clean and then we look
17 at the difference and you kind of draw a line in between
18 the two points.

19 MR. ULLENSVANG: It's not -- it's not a big
20 mystery. We have a pretty good model of what happened,
21 and so the sampling confirms that the model is correct.

22 So it's not -- it's not quite as magical as
23 Craig's making it out to be.

24 MR. COOPER: This one's a little tricky.
25 This one's a little tricky.

1 MS. NEWTON: We have a lot of elements at
2 work here.

3 And how long has this stuff been blowing
4 around?

5 MR. COOPER: A long --

6 MR. ULLENSVANG: Well, the batteries were
7 built about 1900 give or take a few years, and most of the
8 roofing material that was removed by the Army was removed
9 in 1937.

10 So the period of time that the roofing
11 material was there, some of the roofing material is still
12 in place. It was not removed by the Army, and it's --
13 it's really an erosional process.

14 So we can look at that the wind would
15 contribute to it, but more the weathering through the
16 rain, which would typically make it go downhill, and so we
17 can look downhill and find how far it went.

18 MR. COOPER: The third bullet is about
19 cleaning up Baker Beach 1 and 2A, and we have hired a
20 specialty contractor to help us.

21 Those two sites are on very steep slopes,
22 which you guys probably know about, so we have hired a --
23 a contractor that specializes in steep slope issues and
24 using equipment on steep slopes, and they're going to help
25 us with finishing up the design work on that.

1 We've got -- MacTec has basically put
2 together a preliminary strategy for -- to clean up the
3 design, and this steep slope contractor is going to try to
4 QA it --

5 MR. ULLENSVANG: Actually, the contractor
6 put together the strategy. The idea is to bring in
7 someone who was used to working on the slopes, knows this
8 sort of stuff and says, "This is the best way I think we
9 can do it," and if you have the next slide, the next
10 bullet there, we started to pull together the specialists
11 within the Trust and the Park Service to look at the --
12 the constraints and conditions of the site and influence
13 the contractor, and he's very excited about working with
14 the specialist to understand what the resources are out
15 there and how to do this quite extraordinary amount of
16 work or type of work in ways that doesn't damage the --
17 what's out there.

18 So that will be a -- it's exciting that he
19 is both very skilled at this sort of work and is very
20 interested and excited about working in a park and doing
21 it in a way that doesn't damage what's there.

22 MR. COOPER: Okay. So a couple months ago,
23 you know, we -- this is just a bullet to remind people
24 about what's happening on the universe of Baker Beach.

25 Baker Beach 1 and 2A are remaining in RAP3,

1 and that's the ones that we are preliminary -- working on
2 the design for -- to get going, and hopefully with a 2007
3 start or 2008 start.

4 The rest of the sites in that area, the 1A
5 and the 2 have been bounced to RAP number 5 because we --
6 after completion of the characterization work, that
7 relates back to getting our arms around that moving debris
8 issue.

9 Now we've got a bunch of sites in the
10 interior of the Presidio, what we call area B, that are
11 also in RAP number 3, and I made a decision to change our
12 remediation design contractor for these particular sites.

13 So MacTec will be staying on for the
14 remedial design at Baker Beach 1/2 along with this steep
15 slope specialty contractor, and -- but I'm bringing aboard
16 Geomatrix to be the design contractor for the fourteen
17 sites in area B that require a cleanup.

18 So that is that. Geomatrix has been our --
19 was our design contractor for the commissary PX cleanup
20 and they've also been doing the construction oversight at
21 commissary PX, and I think they're doing a good job.

22 And so we were trying to reward good quality
23 work, and MacTec basically -- not that they were doing bad
24 quality work. I think that they have several projects,
25 big projects going on right now, and I think they're a

1 little overloaded with the staff that is familiar with the
2 Presidio, and we don't want them to hire yet another kind
3 of newbies coming in that don't know anything about the
4 Presidio, and Geomatrix only has commissary PX right now,
5 so they've got folks that -- they've got enough time to
6 handle another project.

7 Okay. Moving on, I got to talk faster.

8 FACILITATOR KERN: It's about 7:40.

9 MR. COOPER: There's a data report that has
10 been long in waiting. Primarily about Nike building 1451
11 and 1369.

12 It's going to go out tomorrow for sure, and
13 so that is an important concept I think for us to finish
14 that third interim deliverable for RAP3 and to get DTSC's
15 okay with our final text for our writing up the remedies
16 for Nike 1450/51 and 1369.

17 Also just the last bullet is about -- at
18 1369, which is a CERCLA site scheduled for no further
19 action, but it did have lead-based paint in the soil,
20 which is, as you know, handled under a different program.
21 It's not handled under CERCLA, and when we were conducting
22 the lead-based paint cleanup, the -- in one corner, one
23 section of the cleanup, the -- we encountered some bullet
24 shells in the soil that is not too surprising, because the
25 building 1369 was a former indoor rifle range.

1 So I've notified DTSC about that and we're
2 coming up with some procedures on how to handle that, and
3 so the lead-based paint cleanup has been completed, but we
4 have two bins of soil there that have some bullet shells
5 and they're looking to kind out sort out before we can
6 haul it away.

7 All right. RAB number 4, which primarily
8 addresses landfill 10 and landfill 8 which sit over by the
9 Public Health Service Hospital along with a set of firing
10 ranges site.

11 So we had some comments from DTSC about the
12 need to improve our delineation of landfill 8 in
13 particular and a little bit over at landfill 10, and we
14 have now put together a DQOs, data quality objectives.

15 Basically it's a sampling strategy and a map
16 that got sent out -- that will be sent out this week, and
17 we're going to be anxious to sit down with Bob and
18 Devender to talk about that because there's been a delay
19 on the Trust end in getting this sampling strategy out to
20 the regulators.

21 So we'll be in contact with those folks soon
22 about having a stakeholder meeting on this, and I'll let
23 Doug and Mark know, as well, if anybody wants to come to
24 our -- to this meeting.

25 At the same time, we're also -- just as we

1 brought in a new -- new design engineer for the area D
2 sites for RAP3, we're looking for a new design engineer
3 for the landfill 8 and 10 and graded area 9 remedial
4 design, as well.

5 George is the project manager on that, and
6 we've been talking to a couple firms, as well, on that.

7 We also have a sampling strategy, soil
8 sampling strategy for some of the firing ranges and we got
9 Park Service concurrence on that, so that's going out this
10 week, as well.

11 And that's pretty much it for RAP number 4.

12 Rap number 5 is -- we have eight sites in
13 that. There's two sites where we need to do some more
14 testing at. One is fillsite 6B, which is kind of between
15 Letterman and the Main Post, and we're in the process of
16 doing a series of trenching and soil testing there and
17 working with DTSC to get the edges of that site figured
18 out and mapped.

19 Then we have Lobos Creek, which I know is a
20 big concern to the RAB and we've sent out a sampling
21 strategy package on that late last year, and my project
22 manager is going to be in contact with people soon so we
23 can set up a team meeting about that sampling strategy.

24 Second -- third bullet we can skip and the
25 fourth bullet, it just says that we've got RAP number 5 on

1 hold for right now because we've got these two sites,
2 Lobos Creek and fillsite 6B that is still in a
3 characterization mode.

4 You know, maybe we should talk about, you
5 know, do we keep it to the old conversation. Do we keep
6 all these sites together you know, and let fillsite 6B and
7 Lobos Creek characterization finish or should we split
8 fillsite -- RAP number 5 off if -- for example, like Lobos
9 Creek continues to -- to, you know, go slow, should we
10 take it out of RAP number 5 so RAP number 5 can get going?
11 So I'd like to have in that discussion with folks soon.

12 MR. BERMAN: Back to landfill -- back to
13 RAP 4, in landfill 8, has the -- the -- the Merchant
14 Marine Cemetery problem been completely settled or is that
15 still something that's ongoing?

16 MR. COOPER: Problem? You mean the -- it's
17 there.

18 MR. BERMAN: It's there, yeah, and the
19 sampling -- there's not going to be any more sampling or
20 looking for any more bones?

21 MR. COOPER: No. The sampling we're just
22 doing is just looking for the edges of the landfill, and
23 so we know that that there's bones there.

24 MR. BERMAN: So the bones are there. It's
25 going to be excavated if we go with the clean closure?

1 MR. COOPER: Right. Our feasibility study,
2 the Trust has already issued a feasibility study. Our
3 recommended remedy right now, and it's subject to re-
4 review when we finish the delineation work, is to excavate
5 out the kind of -- what we call the wings or the edges of
6 that landfill, but put a sand cover over the center part
7 where the cemetery is located and then we -- we've set up
8 some type of memorial, you know, landscape design in that
9 area to commemorate the cemetery to remember the folks
10 that have been buried in that cemetery.

11 So that is the preliminary remedy right now
12 for landfill 8. We're going to, you know, take a look at
13 that take when we get the -- you know, the delineation
14 work to make sure that remedy still makes sense or do we
15 need to change that remedy. So that's where it stands
16 right now.

17 MS. SEGAL: Craig --

18 FACILITATOR KERN: But we have commented in
19 the past about another remedy where a certain amount of
20 feet of the cemetery would be taken off? So we wouldn't
21 have this giant mound in that spot.

22 MR. COOPER: Right.

23 FACILITATOR KERN: So that's still --

24 MR. COOPER: That's part of the
25 reassessment. When we get the delineation work in,

1 because then -- yeah. We should just sit down together
2 and say, okay. Let's -- this is what the feasibility --
3 these are the remedies of the feasibility study, because
4 the feasibility study took a look at that top three foot
5 remedy, and when we get the new volume information and
6 kind of see if we land in the same place or not. Yeah.

7 MS. SEGAL: Craig, could you just briefly
8 clarity? On the TEA Grant, so the money never came
9 through?

10 MR. COOPER: No.

11 MS. SEGAL: This is the original --

12 MR. COOPER: I've called a couple times.

13 MS. SEGAL: This is the original 180,000?

14 MR. COOPER: That we re-applied for the
15 request. It was 300 and 60,000. I forget the amount now.

16 MS. SEGAL: So we actually have never
17 gotten any TEA Grant money.

18 MR. COOPER: No.

19 MS. SEGAL: Although in conversations, they
20 said --

21 MR. COOPER: Right.

22 MS. PASSERO: Could we --

23 MR. COOPER: Just on Mountain Lake in
24 general. I'm going to talk a little bit about this. We
25 have claims out with the insurance company, with the Army.

1 We have not given up on the strategy of suing Caltrans.

2 We just want folks to know that, and that --
3 stay tuned for some announcements later on this year for
4 the Trust strategy for getting financial contribution from
5 Caltrans on this project, and we're talking a lot bigger
6 than a TEA grant.

7 MS. SEGAL: Do we know -- do they just not
8 approve all their TEA grant money or we don't know?

9 MS. PASSERO: Were they even at a
10 distraction?

11 MR. COOPER: I've had no follow -- I've
12 left some phone calls. I've just kind of given up.

13 MS. PASSERO: Could we talk about it at
14 committee at some point, see how we --

15 MS. SEGAL: Get answers.

16 MS. PASSERO: -- brainstorm and see how the
17 RAB could help in any way?

18 MR. COOPER: Yeah. Have you -- yeah. I
19 think that's a good idea. I mean --

20 MS. SEGAL: Because some of -- we'll talk
21 about it in a committee.

22 MR. COOPER: Yeah. RAP number 6,
23 miscellaneous sites. We've switched consultants, working
24 on the overall screening of the sites, and I've switched
25 from CDM to EKI.

1 I think that EKI's going to be a much better
2 match for the site screening work, because a lot of it is
3 pulling stuff out of the archives and having a good
4 knowledge of how to get your hands on information, which
5 is really -- and how to digest that information, which new
6 consultants have a hard time doing, and EKI has been doing
7 this for a long time now at the Presidio.

8 They've been doing a lot of site screening
9 work in the petroleum work and sorting out our tank sites
10 and getting documentation in place so we can do tank
11 closures.

12 And so -- and then there's a set of tank
13 sites that need archive work on, and then I realized
14 there's a set of CERCLA sites, these miscellaneous CERCLA
15 sites that need work on, so why should I send two
16 consultants in working with the archives? Which is
17 difficult to get access so.

18 So I've let the one consultant go and having
19 EKI help us finish not only working with the archives, not
20 only sorting, but working with the CERCLA sites, as well.

21 There will be fifty plus sites. That number is
22 obviously kind of a guess right now until EKI, we finish
23 pulling all the archival information.

24 And the second bullet, Calvary Stables area
25 that we are going to be testing on kind of as a separate

1 track, and then so if you take nine plus 34, there's going
2 to be forty more sites we're looking at that we need to do
3 some soil testing on.

4 Okay. Building 937, which is down at West
5 Crissy, we talked about this building quite a bit. We've
6 discovered some soil vapor underneath the building slab.
7 We've issued a data report. We have been working with
8 DTSC about getting suitability for lease, letters from
9 them so that -- just so that DTSC is comfortable with
10 leasing these buildings kind of concurrent with the CERCLA
11 process.

12 So we've gotten one on 933. We're working
13 on the 937 one, and it's -- the last bullet on that is
14 concurrent with that, there's still the implementation of
15 the CERCLA process at building 937 that we need to sit
16 down with the RAB about and -- and discuss the next steps
17 on that.

18 So there's kind of a two-track system going
19 on there that will -- I can explain in more detail when we
20 actually have our integrated team meeting on the CERCLA
21 program for 937.

22 The slag site, I just have not gotten to it
23 yet.

24 So at commissary -- now we're in our
25 petroleum program. Commissary PX. We have in the

1 phase -- the first phase, there's two phases of commissary
2 PX cleanup. The first phase is the phase that's nearest
3 to Crissy Marsh, and we have started cleanup work at four
4 of the five excavation areas that need cleanup there.

5 As the second bullet talks about, we're
6 having trouble finding backfill soils that will meet the
7 import criteria that we set for this project and we're
8 going to be meeting with the regulators about that.

9 We've looked at eight or nine different soil
10 source areas in the Bay Area and we've been testing, like
11 they would say, okay.

12 Here's some soil that you can use, and so we
13 test it, at least as a preliminary level, and there always
14 seems to be one or two things wrong with the soil that
15 doesn't quite meet our import criteria.

16 So I need to talk to Brian and Bob and
17 Devender about that and figure out the next step on that,
18 because we got to fill up these holes and finish up this
19 project.

20 So we've been doing some additional cleanup
21 work. As you can see from this picture, we started at the
22 Sports Basement parking lot and we went right to the edge,
23 and now we've realized that we're going to have into dig
24 into Mason Street a little bit.

25 We didn't -- some of the mobile petroleum

1 contamination that was underneath the parking lot is
2 underneath a portion of Mason Street, as well. So there's
3 a detour set up, and so we can dig out that gasoline
4 contaminated soil that's underneath the road there.

5 Actually this shoring happened while I was
6 on vacation, so I'm not totally up to speed on it.

7 Brian, anything to say on that?

8 MR. ULLENSVANG: We haven't had any
9 meetings on it, so I don't think there's been any updates.

10 MR. COOPER: Okay. There you have it.

11 So that's -- you know, that's how we're
12 doing the soil excavation with the shoring still in place,
13 because we can't let Mason Street just kind of crumble and
14 fall into the hole, so we've got to hold it in place while
15 we dig up right next to the road.

16 Building 1065 is another petroleum area --

17 MR. BUDROE: Craig, real quick question on
18 your backfill soil.

19 What's it blowing up on?

20 MR. COOPER: It depends, yeah. Sometimes
21 it will be a metal. Sometimes it's a low-level petroleum
22 thing. But those are the two primary problems.

23 It's either some kind of metal or a low-
24 level concentration of diesel or oil or something like
25 that.

1
2 MR. BOGGS: I sent two project managers in.
3 Apparently we're looking really closely. A lot of this
4 soil that gets handled and handled by large heavy
5 equipment ends up picking up low levels of petroleum.

6 So the more that the soil's been handled by
7 heavy equipment, the higher chance you have of getting a
8 small amount of diesel or hydraulic fluid or something
9 like that.

10 MR. COOPER: Right. So we have some
11 petroleum contamination underneath building 1063, which
12 we're going to dig up and clean close there. We're
13 putting together -- a Final Corrective Action Plan was
14 sent to Devender just before I went on vacation.

15 I think it's okay. I haven't talked to him
16 yet. I think he found a typo or something like that.

17 MR. NARALA: Actually, you did get approval
18 from us, even though there was something wrong. No major
19 something, but nothing that we can't work with. You got
20 the -- my boss' signature.

21 MR. COOPER: Right on. Okay. There you
22 have it. I'm not quite up to speed on all the projects
23 yet. I've only been back for two days, so I didn't want
24 to pit -- I saw an e-mail that made it sound like it was
25 approved, but I didn't want to put it in there yet. I

1 haven't had a chance to talk to him.

2 Now that's done, so now we can focus on the
3 design, what's called an implementation work plan in the
4 petroleum program.

5 I sent to get 1065 going in 2007 and this
6 cleanup at building 1349 where we already have the
7 Corrective Action Plan approved and we're working on the
8 design, and I want to get both of these things going in
9 the spring, you know, either April or May at the latest.

10 So let's rally behind those projects, as
11 well.

12 So in 207/231, which is another big
13 petroleum project, Devender is looking at the Corrective
14 Action Plan on that, and I don't think you're quite done
15 yet.

16 MR. NARALA: (Nods head negatively).

17 MR. COOPER: We've also been doing a lot of
18 design work on that, which is in the process of now
19 getting put together, so as the completed package, going
20 to internal review, and so everybody -- we'll be sharing
21 that with everybody, because we had a lot of stakeholders
22 that had a lot of input on the design for this project,
23 and the cleanup is -- we're hoping for an October start,
24 you know.

25 MR. ULLENSVANG: We can't start in the

1 fall. We talked that that doesn't work very well in the
2 fall start because of the closeness to the bay and the
3 tides.

4 MR. COOPER: What is the latest that Brian
5 said that we could start?

6 MR. ULLENSVANG: I don't know.

7 MR. COOPER: I thought it was September/
8 October. We could still start in time.

9 MR. ULLENSVANG: Not from the meetings that
10 I've been in.

11 MR. COOPER: Okay. Well, yeah. It might
12 be pushed to 2008 if we don't get everything approved and
13 a contractor in place in time.

14 Okay.

15 FACILITATOR KERN: It's eight o'clock.

16 MR. COOPER: So other petroleum projects as
17 you can see. We're doing tank closure. We've got a
18 series of tank sites that had some residual petroleum
19 problems that we're working on, as well. We call those
20 mini cap sites.

21 We've got the fuel distribution system where
22 we're closing that out in three different groups. We're
23 going to have a meeting with Devender and Bob on February
24 27th on how to close out the last two sets of groups on
25 that.

1 Geotracker's -- I mentioned them with
2 petroleum close-out.

3 Lead-based paints cleanup. We've been doing
4 site cleanups. Slowly but surely. We do about 25 to
5 thirty a year, and so current -- recently we've been doing
6 cleanups at 966 and 967 and we've had some cleanups at --
7 done by -- what are called the Queen Anne buildings, which
8 are right off Funston Street, and as you can see, there's
9 some other building numbers listed there.

10 This is just kind of a lead program by the
11 numbers if you're interested in that.

12 Another -- just miscellaneous things. We've
13 got our land use control master difference report that
14 we've sent out to everybody, including DTSC.

15 The Trust is actually -- we are taking the
16 steps internally to actually implement this report through
17 our N -- N squared review committee and other -- other
18 steps to make sure that we don't inappropriately use the
19 land at sites that aren't completely cleaned up to
20 unrestricted land use.

21 The other thing on this slide is about the
22 mustard agent site where Bob and I had a conference call
23 with the Army back in December about our comments on their
24 draft investigation work plan to investigate the mustard
25 agent site.

1 We thought that conference call went really
2 well. We think that our comments -- the Army, you know,
3 said a lot of the right things to address, you know, our
4 comments, to at least some degree. At least for the
5 mustard agent site, and I'm still waiting on a final work
6 plan for that, and I have been bugging Bruce about that
7 quite a bit because I'm taking his work plan to the Trust
8 N squared committee, which is our internal, NEPA committee
9 on February 15th, and the Army needs to start vegetation
10 clearing, you know, in late February to avoid issues
11 associated with bird nesting season, which begins March
12 1st.

13 So we need the final work plan from the Army
14 and we need Bob to take a look at that to make sure he's
15 comfortable with letting the Army proceed with at least
16 the vegetation clearing process in late February.

17 MR. BOGGS: There's kind of two issues
18 there. There's the actual field work where they're going
19 to go look and clear vegetation for, and then we also had
20 a comment on their archive search report, which kind of
21 suggests that there's a number of other sites at the
22 Presidio that need to be looked at.

23 So those are on kind of two different
24 tracks, but yes, we're pretty much in approval of their
25 work plan as it was, almost. It just needed some minor

1 modifications.

2 MR. COOPER: Right.

3 MR. BOGGS: If we get it in handle.

4 MR. COOPER: Well, Bruce Handel is actually
5 going to be here -- that's what this slide is about --
6 meeting with me on February 15th about a dispute that the
7 Trust is having with the Army over unknown contamination.

8 As you know, the Trust has a reopener with
9 the Army under our memorandum of agreement to ask for more
10 money for sites that are considered unknown contamination,
11 which have a pretty complicated definition under the --
12 under our agreement with the Army, but this is our first
13 time taking formal dispute resolution through, and we've
14 got some other groups lined -- this isn't our only set of
15 projects that we're going to take through dispute
16 resolution with the Army, but this is our first time doing
17 it.

18 So it's kind of a learning curve, so the
19 scope of this particular dispute is -- there's three tank
20 sites, which are a pretty low number, you know, 25 to
21 50,000 each off the top of my head, plus the Baker Beach
22 2A site, which is about a three million dollar claim to
23 the Army.

24 So it's really about Baker Beach 2A.

25 And the memorandum of agreement requires

1 three layers of dispute resolution, and the first layer is
2 staff level, which is basically Bruce Handel and I with
3 our attorneys, and the Park Service participates at every
4 single level, but it's basically Army and Trust people,
5 you know, talking to each other and making -- making their
6 case and then making their case and seeing if we can come
7 to some agreement.

8 We could not come to agreement, so we bounce
9 it up to now what's called management level negotiations,
10 and that's going on right now.

11 Both attorneys on both sides have put
12 together briefing memos, and the meeting is going to
13 happen February 15th.

14 If we cannot reach agreement at management
15 level, in March it goes to what's called executive level
16 dispute resolution, which is the final level of dispute
17 resolution.

18 So stay tuned on that. So that's the end of
19 that.

20 Now we're going to talk a little bit about
21 the financial side of things. I usually -- and I'll
22 apologize for this. The copy machine for building 67 was
23 removed.

24 I used to bring a special handout for this
25 so you can see these numbers better, but the -- there's

1 three slides that I present on -- for financial reports.

2 First of all, the Trust issued its quarterly
3 financial status report number 8. Now is our eighth
4 quarterly financial report that we've issued. It was sent
5 out on February 2nd.

6 Just want to make sure, Doug. Did you get
7 your copy?

8 FACILITATOR KERN: Unh-unh.

9 MR. COOPER: I've got some extra copies for
10 that. Obviously I was on vacation. Some kind of glitch
11 in the mail out on that.

12 So just to kind of talk a little bit
13 about -- I've got three slides here. The first one is
14 about where we spent the most money during the period of
15 reporting which -- this particular report number 8 covers
16 the period from October 1st, 2006 to December 31st, 2006.

17 So it's, you know -- so if you just take a
18 look at this -- this row right here, these were our
19 biggest outlays of money, of cash money on projects during
20 that reporting period.

21 So briefly about those, that on number one,
22 cash outlay is commissary PX where we spent -- we paid
23 \$476,000. Primarily it went to our construction -- as you
24 know, that project is in construction right now, and most
25 of that money went to our construction contractor and our

1 oversight contractor.

2 The number two most expensive thing in
3 that -- during that quarter was lead-based paints. That's
4 LBP main post, and that was primarily for our upper
5 Funston remediation project where we capped lead-based
6 paint soil in place at I think five different sites there
7 on upper Funston, five different buildings.

8 So -- and then number three is on 207/231
9 project where we have been engaging on a big design going
10 on there. So we had our design consultant spending a lot
11 of money.

12 And then the other one -- for Baker Beach 1
13 and 2, most of that money was spent on the Merchant Road
14 realignment project, which, you know -- by the way, you're
15 going to see expenditures come through.

16 And as you know, there were four parties
17 paying for that road realignment project, and the Trust
18 put together some money. The Park Service put together
19 some money and the Parks Conservancy put together money,
20 and those three agencies, the moneys all funneled through
21 the Trust.

22 So it's going to show up as -- it looks
23 like -- we should probably note that because it's -- it's
24 going to look like the Trust --

25 MS. NEWTON: The costs are coming through

1 the Trust, but you're not showing the funding --

2 MR. COOPER: From the Park Service. It's
3 looks like the Trust spending all the money, whereas the
4 Trust remediation department is only contributing \$250,000
5 toward a total of 1.1 million dollar project, and the Park
6 Service is putting in 150,000 and the conservancy
7 \$300,000.

8 Those three agencies together, the money is
9 going to be coming through this reporting. So I need to
10 talk about to Alan about footnoting that so it's clear
11 that it's three agencies contributing, at least on the
12 Merchant Road realignment project.

13 And then the Bridge District paid for the
14 balance, by the way. More than five hundred thousand
15 dollars for that project is being paid for by the Bridge
16 District.

17 Okay. So that's where money went out the
18 door, and then we have a slide about the top seven
19 projects with the biggest EAC -- that's estimate at
20 completion change -- which is basically your budget --
21 your projected, you know, budget to get to the end of the
22 day, and the number -- the first line item there, you can
23 see fillsite 6A and it has brackets around it, which means
24 it was a negative -- it was a reduction in the budget, and
25 the reason for that is that at the -- toward the end of

1 the project, we hit some contaminated soil associated with
2 the nurse's quarters foundation there, and the project
3 manager did a -- a budget, you know, change based on what
4 he thought ultimately that was going to cost, and it did
5 not cost as much as he originally thought in the heat of
6 the -- of the initial discovery, because now that the
7 project's done, he's now subcontracted that cost back out
8 of his project.

9 So the second line item is for no further
10 action sites, and that also shows a negative, about
11 244,000, and the reason for that is there's no cost saving
12 for really reduction there.

13 There was some no further action sites that
14 have -- are now remediation action sites, so we took them
15 out of the no further action sites charge number and we
16 opened up individual charge numbers for them. So that's
17 the -- that's the explanation on that one.

18 The next one is an increase at fillsite 6B,
19 and that is according to the project manager primarily
20 associated with the cost of our trenching program which
21 was underestimated at first, and the way we are doing
22 this, trying -- we're actually doing it kind of in a
23 meticulous and slow fashion with the regulator.

24 I think ultimately this is going to be the
25 most cost-effective way in getting edge definition agreed

1 to by the regulator, but it's just costing us a little bit
2 more than anticipated.

3 I just want to say the notes on this I need
4 to improve. This is not at -- the quality level of the
5 reasons for change are not there yet in my opinion, and I
6 need to work with my financial analyst and my project
7 managers to improve the written descriptions provided
8 under the reasons for change column, and when I present
9 this next quarter, there are going to be -- it's going to
10 be much better quality and understandable fashion.

11 And just so you know the process we're going
12 through on this is that every quarter the project managers
13 look at their budgets for all their projects and they meet
14 with the financial analysts privately, and I want to
15 actually sit in on those meetings.

16 I want to sit in on them because the
17 financial analyst is just taking notes from the project
18 managers, puts the notes together and he then he sits down
19 with me.

20 I'm going to stop this financial analyst
21 meeting privately with the project managers and then him
22 coming and briefing me because there's too much of a
23 communication disconnect.

24 So I want to sit in on the meetings. That
25 way I know exactly what gets written in the reasons for

1 change and it's just not somebody -- I'm there when the
2 first words come out of somebody's mouth instead of
3 somebody briefing me on it.

4 After these initial discussions happen with
5 the project managers and a preliminary report comes
6 together, I sat down with Doug and went over it with Doug.

7 There's going to be a couple levels of peer
8 review before I actually send out a quarterly financial
9 status report now, and the first step is to sit down with
10 Doug and any other RAB member that wants or any other
11 stakeholder that wants to talk to me, and what we did is
12 we basically went over the same things, the top seven
13 spending items, top seven budget changes and just to let
14 RAB people know what was going on, and the other thing I
15 do is I sit down with my CFO, Jeff Deis and we do the same
16 thing, so when the report goes out, it's not so shocking.

17 I remember we had a couple disruptions
18 because I was sending out the report without briefing
19 people. People were getting it and reading it and getting
20 all freaked out because they weren't pre-briefed.

21 So now I need to do pre-briefings with
22 people before I send out this report.

23 I want to continue this process. It's not
24 perfect yet, but it is definitely going in the right
25 direction.

1 I -- every time we do one of these, I feel
2 like project managers learn a lot, and now that I'm doing
3 these pre-briefings, especially for my management, and I
4 think it's educating them.

5 Instead of just hearing the number, they get
6 to hear the story, too, and they're making time to listen
7 to the story.

8 FACILITATOR KERN: Before you go away from
9 that --

10 MR. COOPER: Right.

11 FACILITATOR KERN: -- I could offer a
12 couple of questions.

13 MR. COOPER: Mm-hmm.

14 FACILITATOR KERN: Not to surprise you,
15 because you just got back, but this second item with the
16 no further action sites --

17 MR. COOPER: Mm-hmm.

18 FACILITATOR KERN: -- now I guess that's
19 like he's closing out one account and distributing those
20 numbers to smaller accounts?

21 MR. COOPER: Right. That 244,000, no
22 further action sites account number will still stay open,
23 because there's still some no further action sites.
24 There's just not as many as we used to have.

25 FACILITATOR KERN: The point I want to make

1 if that 244,000 decrease in that one is just being put out
2 to other projects, it's not really a decrease in a
3 project.

4 MS. NEWTON: Isn't the increase showing up
5 somewhere else on here?

6 MR. COOPER: It's not on this report. It
7 does show up in the master report. You'll see an
8 equivalent increase.

9 FACILITATOR KERN: This is more of an
10 accounting maneuver which could -- it's perfectly
11 legitimate to do and it will better track those sites,
12 but --

13 MR. COOPER: Right.

14 FACILITATOR KERN: -- Alan will need to not
15 then pop this out in this -- as an accounting change.
16 We're looking at this to see big changes.

17 MR. COOPER: You're right. In fact, it
18 should have never even shown up on a variance.

19 MR. ULLENSVANG: Individual sites, because
20 presumably they went from no further action to action.
21 They could have had a hundred or 200 percent increase.

22 We're looking at magnitude, not percentage.
23 But percentage-wise, they were huge increases presumably.

24 MR. COOPER: From non-existent to --

25 MR. ULLENSVANG: You had booked here

1 roughly at 40,000 each.

2 MR. COOPER: Yeah, exactly, right. Okay.

3 FACILITATOR KERN: There's one other little
4 comment.

5 MR. COOPER: Yeah.

6 MR. COOPER: I didn't even talk through all
7 these yet.

8 FACILITATOR KERN: The lead-based paint on
9 Crissy Field, the decrease and the increase look
10 suspiciously identical.

11 MR. COOPER: You were there when we talked
12 about them. Some of my project managers had this concept
13 of oh, I had a decrease in one project. I'm going to kind
14 of swap it out and show an increase on another one, so I
15 don't lose my funding.

16 That's not what it's about, folks. Okay.

17 So, again, it's an education thing. If I
18 was sitting at the meeting with the financial analyst, I
19 would have caught that.

20 I talked pretty detailed with her today
21 about it, as well, that at Crissy Field, we are
22 experiencing a decrease there in projected costs.

23 In fact, the way she's doing lead-based
24 paint, her -- her cost projections in general, we went
25 through a whole sea change of change.

1 Before, you know, she knew that she had
2 approximately seven million. That's what the 1999 budget
3 was about, and she kind of just distributed costs across
4 planning areas without a lot of detailed backup.

5 Now I'm having her -- she knows the exact
6 universe for number of projects she has in Crissy Field,
7 for example.

8 So let's say she's got fifty, and then I
9 say, "Tell me how many you think are going to be no
10 further action" and then you got a cost to that, because
11 you got to do some characterization testing.

12 "How many are going to go soil excavation?"
13 and then you get a unit rate for that, and how many are
14 going to go with a cover remedy, because they're pre-
15 paved, and so what she realized is that, for example, the
16 decrease at Crissy Field is that we have pre-paved sites
17 there, in West Crissy that have always been paved and will
18 continue to be paved.

19 So these will probably experience a decrease
20 there.

21 What she wasn't able to explain to me very
22 well was the increase at east housing, and I think she
23 just kind of experienced some savings and she bumped it
24 over to another project area because she thought she was
25 going to lose the money, and I said that the concept of

1 prioritization of a project and things like that is a
2 whole different thing.

3 I want you to just be straight out on show
4 me your unit rates, your assumptions and your cost
5 projections.

6 Who knows? Don't worry in 1999 you said you
7 were -- it's good that she was worried about trying to
8 stay at seven million.

9 FACILITATOR KERN: Right.

10 MR. COOPER: But if you show eight million,
11 you show eight million, or if you show six million, you
12 show six million. That's the type of, you know, estimated
13 completion budgeting I want to happen.

14 Doug kind oversaw the whole thing and it
15 didn't quite get caught in time for this one. No more
16 shell games with money about the project managers.

17 So finally, the last thing was -- I just
18 want to bring your attention to this. This number here is
19 our projected overage is now at 19.5 million.

20 The previous quarter, it was at 18.8, so
21 it's gone up another \$700,000.

22 MR. ULLENSVANG: Did the previous one
23 include the Merchant Road?

24 MR. COOPER: Include Merchant --

25 MR. ULLENSVANG: This one you said includes

1 Merchant Road allocations as Trust expenditures, and
2 that's going to be roughly 4 to 500,000.

3 MR. COOPER: Expenditures, right. We got
4 to be careful about the whole -- because I don't think --
5 your part didn't get budgeted as far as the Baker Beach,
6 we only budgeted 250 for that.

7 MR. ULLENSVANG: You showed it as an
8 expenditure. So that would come in in the 19 and a half.
9 I was asking if the previous quarter would have also
10 included that.

11 MR. COOPER: You mean expenditures or
12 budget?

13 MR. ULLENSVANG: Well, budget, because --

14 MR. COOPER: I don't think I've ever
15 budgeted your share and the conservancy share on both the
16 front end --

17 MR. ULLENSVANG: You just changed your
18 estimate to complete based on those numbers, didn't you?

19 MR. COOPER: That was an expenditure thing
20 where we're starting to -- this one? This is the estimate
21 at complete.

22 MS. MONAGHAN: The first slide.

23 MR. COOPER: The first one here where we're
24 showing expenditures at Baker Beach 1/2 and I said a lot
25 of these costs here for Merchant Road.

1 MR. ULLENSVANG: Those appear to be coming
2 into a cumulative date and your estimate complete then.

3 MR. COOPER: Or spent money.

4 MR. ULLENSVANG: So your estimate to
5 complete for column 3 appears to be based for column 2.

6 MR. COOPER: Right. We can't let your
7 money or conservancy money get in there. It's going to
8 mess things up.

9 MR. ULLENSVANG: Or balance them out.

10 MR. COOPER: Right.

11 MR. ULLENSVANG: It has to be treated in
12 balance, anyway.

13 MR. COOPER: Yeah.

14 MR. ULLENSVANG: So I'm trying to figure
15 out if your 19.5 compared to 18.8 also includes that
16 roughly 4 or \$500,000 difference.

17 MR. COOPER: I don't think it does. I
18 think the \$700,000 increase is purely just increase, but
19 I'll double-check that to make sure that -- I don't think
20 we budgeted for your share.

21 Okay. Summit meeting III is coming up
22 February 22nd, next week. Doug and I met before I went on
23 vacation. We're going to talk to folks about our RAB's
24 agenda and goals for next week's meeting. Here's some
25 documents released recently.

1 Thanks for listening.

2 FACILITATOR KERN: Sam.

3 MR. BERMAN: Can you remind me, Craig, if
4 in the -- in the '99 MOU whether the moneys were separated
5 for petroleum versus CERCLA versus lead-based paint?

6 MR. COOPER: In the cost estimates?

7 MR. BERMAN: Yes.

8 MR. COOPER: Yeah, they did. It's all in
9 one pot. There's no three bank accounts with three
10 different programs.

11 MR. BERMAN: But they weren't mentioned.

12 MR. COOPER: Sure. If you look at the 1999
13 cost estimates, you can see this is what the thinking was
14 for petroleum and this is what the thinking was for lead-
15 based paint.

16 MR. BERMAN: If you look at the petroleum
17 costs now, then and separate that, is that close to what
18 was in the MOU?

19 MR. COOPER: On actuals, yeah. In fact,
20 you can look at the table. You can see that the -- on
21 petroleum, we're still a million under.

22 MR. BERMAN: That's under the 1999 number,
23 right?

24 MR. COOPER: Correct.

25 MR. BERMAN: That's what I wasn't clear on.

1 So --

2 MR. COOPER: This is where we're over. A
3 little bit on lead-based paint and a whole bunch on
4 CERCLA.

5 MR. BERMAN: Right. So actually, just
6 historically trying to understand, there is an example of
7 somehow with a job of estimating what needed to be done,
8 what the costs were pretty good.

9 MR. COOPER: Yeah.

10 MR. BERMAN: And --

11 MR. COOPER: It's just CERCLA where our
12 cost estimator made some errors.

13 MR. BERMAN: But it's worth pointing out
14 that when -- I'm trying to give you as much credit for the
15 work as possible, because when the preliminaries were done
16 reasonably well, the costs and the prior estimates
17 actually are in pretty good agreement, and so the
18 petroleum sites are an example of when that process was
19 done correctly.

20 And so it's not as if for some reason that
21 you're a spendthrift and overdoing it on all the projects.
22 When the planning and the specifications were done in a
23 reasonable way, the costs and the estimates are actually
24 in pretty good agreement, and the petroleum sites are a
25 nice example of that.

1 MR. COOPER: Mm-hmm.

2 MR. BERMAN: And so, you know, I think you
3 can argue, you know, from that what -- a little bit about
4 the kind of information that was missing in the CERCLA
5 sites and why the original cost estimate was off and why
6 there's so much expense yet remaining to do that, and I
7 think it's -- to me, that's interesting.

8 Maybe it's just my own particular view,
9 because it shows that when the -- when knowledge was
10 really reasonably good, the cost estimates and the actual
11 work turned out all to be close and in pretty good
12 agreement.

13 And so when the information was lacking,
14 which was really the problem with the CERCLA sites, it was
15 an underestimation, and so historically speaking, it
16 seems --

17 MR. COOPER: Good point. The Army
18 definitely made a lot more progress on the petroleum
19 program and they had a lot more understanding of the --

20 MR. BERMAN: Right.

21 MR. COOPER: -- petroleum problems.

22 They shared that with us, so the cost
23 estimators had a better handle. So the cost of the
24 petroleum, estimated to complete could --

25 MR. BERMAN: Beating a dead horse a little

1 bit, it seems like you got a good case when -- when the
2 information was there, you did a really great job, and
3 when the information was lacking, and you couldn't do it
4 because --

5 MR. COOPER: They didn't apply enough
6 contingency to those numbers and the information was more
7 uncertain.

8 MR. BERMAN: So I think it helps with your
9 performance evaluation.

10 MR. COOPER: Okay. I'll give you Jeff
11 Deis' number.

12 FACILITATOR KERN: We do have the Summit
13 meeting.

14 Thank you for that.

15 MR. COOPER: Thanks for listening,
16 everybody.

17 FACILITATOR KERN: We have a Summit meeting
18 coming up next week and we've been putting together a
19 letter for that, sent it around, and I was looking at the
20 schedule. It looks like we started the planning for RAP3
21 back in 2003.

22 So it's -- quite a bit of time has gone into
23 this document.

24 So I thought I would just motivate everybody
25 a little bit about the importance of this letter and the

1 Summit meeting and getting RAP3 signed so we can all leave
2 tonight, you know, cheering and rooting and saying, "Go,
3 go, go. We're going to get this done."

4 I just thought I would mention with maybe
5 the possibility of being a little bit dramatic a few of
6 the reasons why we need to get this done.

7 We have -- if we don't do anything this
8 year, if we don't get it signed, then we've got 2008, 9,
9 10, 11, 12 and 13 where we worry about the insurance
10 policy expiration in 2013 or 14, whenever that precisely
11 is.

12 If we don't do anything this year, we have
13 six full more years. How many sites do we have to do?

14 Fillsite 1, landfill 2, landfill 8, Baker
15 Beach 1, Baker Beach 2, Baker 1A, graded area 9, the Lobos
16 Creek, Mountain Lake, fillsite 6B, Battery Wagner,
17 dumpster station, slag dump site.

18 If we add up -- conservatively, there are
19 like 65 of those, and say we're going to need to do work
20 on -- oh, even a third, that would be about twenty more
21 sites.

22 We got about 35 sites to do in six years and
23 over the last three, we haven't been able to do any CERCLA
24 sites.

25 We've been proceeding on the -- the other

1 program, the petroleum program, the lead-based paint.
2 We're spending money on those, we're getting things done,
3 and we're still going to get more stuff, but we absolutely
4 have to get stuff done this year.

5 There's just no more like well, if it slips
6 to next year -- we have no more time. We've got -- even
7 if all of the miscellaneous sites turned out to be not a
8 problem, we still have on the order of fifteen sites.

9 That's a lot of -- and these are the
10 hardest, biggest sites. All the remaining big landfills.
11 Mountain Lake. It's going to be an immense project,
12 immense. Draining the lake, dredging it. We've got four
13 cliff sites.

14 Okay. So we've got a lot of work to do and
15 to try to actually be in a position to make claims to the
16 insurance policy, and we don't want to be in a position
17 where we actually just didn't get to spend enough
18 allowable costs by 2013 or 2014, whenever the date is.

19 If we don't spend enough money, the policy
20 will expire and we won't have even had a chance to make a
21 claim.

22 So we are really up against it. We have to
23 make sure that -- I know we're trying to dot all the I's,
24 and everybody's going to cross all the T's. Everyone's
25 going to join hands and do a lot of good chi, make an

1 energy vortex and do a lot of good things.

2 But everything comes together around this.

3 We really have to make it happen this summer.

4 So here's a letter.

5 MR. BERMAN: Doug, in the agreement with
6 Zurich, is there any -- is there any contingencies for
7 extending the policy if both -- if parties are in
8 agreement?

9 MR. COOPER: That -- you know, that would
10 cost money, obviously.

11 MR. BERMAN: Of course. But the closer you
12 get to the end, the higher that cost will be.

13 MR. COOPER: Right.

14 MR. BERMAN: So --

15 MR. COOPER: I will say this: The Trust
16 is -- it's been a while since we've looked at those kind
17 of end-of-the-road issues under our cost overrun insurance
18 policy, and there's -- there's a lot of -- there's several
19 issues we need to work out with Zurich with respect to
20 this policy expiration date, May 24th, 2014, what does
21 that really mean?

22 Does it mean that Zurich packs up and walks
23 away? They're completely done, or does that mean that
24 we -- that's the date that we can't incur any more
25 allowable expenditures at that point, or it's -- we have

1 some -- the Trust has some questions about what the real
2 meaning of that date is about, and so I think obviously
3 it's not in our -- anybody's interest to slow things down
4 and say, "Oh, yeah. We can blow right past 2014 and the
5 insurance will be right there with us."

6 I'm not saying that at all, but I have -- I
7 personally have some questions about what that -- what
8 that policy termination date is about.

9 So --

10 MR. BERMAN: I --

11 MR. COOPER: I can't answer your question
12 completely because I'm not completely clear on what that
13 termination date means to me, to my program.

14 MR. BERMAN: What you said absolutely
15 boggles my mind, because the one thing about insurance
16 that I've seen all my life everywhere is end of the
17 insurance policy is always the most clearly stated thing
18 in the policy, so -- I mean, yes, I heard you, but it
19 boggles my mind.

20 MR. COOPER: Well, maybe I -- I just need
21 to talk to Zurich about this and maybe they can provide a
22 definition.

23 Does it mean they don't cut checks after
24 2014? There's different ways to look at a date. There's
25 different activities that happen, and I just don't know

1 exactly what gets cut off at 2014, what does not.

2 MR. BERMAN: Is that something that you
3 want to do? Isn't there someone in the legal
4 department --

5 MR. COOPER: Oh, yeah. When I say "I," I
6 mean the bigger I. I should start saying "we."

7 FACILITATOR KERN: If you haven't had a
8 chance to look through this, there were comments added as
9 recently as 3:00 or 4:00 today with respect to dates that
10 have been changed, notably the second paragraph.

11 I've been in contact with -- with a lot of
12 agency folks trying to make sure that these dates are
13 actually doable, accelerating it -- as Craig mentioned at
14 the beginning, the meeting from November to the end of
15 May.

16 I mean, it would be nice for us to just say,
17 "Well, just do it." In many ways, I would like to say
18 that, but we have people working very, very hard, and
19 there's a lot of money being spent.

20 We just want it focused so that we make sure
21 that we have the opportunity to work this summer. It's
22 becoming increasingly imperative -- it's absolutely
23 imperative that this works, and I know I'm a bit of a
24 broken record of beating a drum May, May, May. We cannot
25 let it slip.

1 And so this letter is not really so much
2 a -- it's not a critique at all. It's a support from us
3 for the agency members, the Trust, the Park Service, the
4 regulators to just understand how important it is to us
5 that this work happen this year, that every possible
6 expediency be applied to this and that deals be made and
7 that this not be held up.

8 So that's the first part of it.

9 Many of us have also been talking about
10 other ways of bringing in money. Some of my own
11 preliminary looks at the budgeting suggests that there are
12 some seventeen million dollars' worth of projects that
13 were not anticipated in 1999 when this was negotiated.

14 That's a -- quite a bit to just absorb in
15 this project, and so it's my perception that management of
16 all the agencies may not be quite as forward thinking
17 about this.

18 They may feel we have a certain amount of
19 money and that's all we have, and when that's done, that
20 will be that.

21 Well, now we're getting into the time frame
22 when if we are not careful, we will not even have the
23 opportunity to make claims for cost overrun insurance
24 because the policy will expire.

25 We certainly can't let that happen, so we

1 need to make sure we accelerate the program.

2 So I'm really here to say that we're going
3 to come to this meeting to, you know, be very firm about
4 trying to hold this date, and then we're going to come
5 with ideas about how to keep to that date, and then for
6 the financial situation, we have two different
7 suggestions, and that's hopefully in the letter here.

8 We want to accelerate the construction
9 schedule as much as we can. We have to keep this sense of
10 urgency for -- that we're applying to RAP3. That has to
11 be maintained for the rest of the program.

12 I mean, it may seem like we're all going
13 to -- oh, my God, we got RAP3 done. We're done. We can
14 walk away from this. That's really not the case. We
15 cannot let up at all to get these projects done.

16 RAP4 and RAP5 are huge projects, and that
17 most of the money in the CERCLA program are in those two
18 documents.

19 So we need to accelerate that to make sure
20 that we spend enough money to be in a position to go to
21 the insurance company if we need to.

22 And then as we've been talking about in our
23 committee structure, we want to begin to talk with
24 management about philanthropic money and how could that be
25 brought in as associated with restoration projects that

1 are adjacent or near combined with remediation projects.

2 That really needs to be seriously thought
3 about.

4 Now, I -- we have this letter in draft form
5 three weeks ago at our committee meeting. We gave it to
6 George. George did pass it up the chain to Jeff and
7 Craig, and while Craig was away, I did speak to George and
8 the prediction is sort of there.

9 They're not really that wild about any sort
10 of philanthropic ideas right now or we're just -- their
11 minds just aren't there.

12 I don't think they're going to -- I think it
13 will take time. It will be a process of saying there's a
14 certain reality here to get this project done to meet all
15 the obligations that we need to meet. We need to be very
16 creative about where we're going to get the extra money to
17 do all the things that we need to do.

18 So hopefully we can begin that conversation
19 with Jeff and Craig and our important allies within the
20 regulatory community and the Park Service, because
21 everyone will need to be able to be on the same page if
22 we're going to do these philanthropic approaches.

23 So that's what the letter tries to say, and
24 I'd be happy to your comments. Yes.

25 MS. SEGAL: I have one comment, and a lot

1 of work's gone into the letter, and we talked about May
2 2007 a long time in order to get construction season time.

3 The only question that I would ask, based on
4 our experience with RAPs 1 and 2, since we're the RAB, and
5 the RAB is a community representative, on this required
6 thirty-day public comment period, have we -- is there any
7 wiggle room for public comments that might get us off the
8 road in terms of getting the time?

9 Because it's sort of -- if you look at the
10 second paragraph, it's sort of like a fait accompli, you
11 know. Here it is. We want it to be done so we'll have a
12 thirty-day public meeting and then it will be signed in
13 May.

14 So I only raise the question just based on
15 other experience, is there -- if you're going to go for a
16 thirty-day public comment, you might get public comments
17 and then -- so --

18 MR. COOPER: We have to do a thirty-day
19 public comment. It's required by law.

20 MS. SEGAL: I understand that.

21 MR. COOPER: And public comment can derail
22 schedules.

23 MS. SEGAL: That's what it's for.

24 MR. COOPER: It's part of the process.

25 MS. SEGAL: I just want to know -- it jumps

1 right out at me in the second paragraph, and I wondered if
2 RAPs 1 and 2 --

3 FACILITATOR KERN: The schedule to get it
4 to May does not include if somebody asks for an
5 extension --

6 MR. COOPER: Correct.

7 FACILITATOR KERN: -- for example. That
8 would push it thirty more days. It does not include if
9 anybody has some really serious issue.

10 MS. SEGAL: Like a regulatory agency.

11 MR. COOPER: No public controversy --

12 MS. SEGAL: Right.

13 MR. COOPER: -- is incorporated into this
14 schedule right now.

15 FACILITATOR KERN: To counter that, we're
16 anticipating -- that's why the letter says we want to get
17 on these calendars --

18 MS. SEGAL: Correct.

19 FACILITATOR KERN: -- to go now proactively
20 and start talking --

21 MS. SEGAL: Explain what it means.

22 FACILITATOR KERN: -- about what's going to
23 happen and see if there are any issues that haven't gotten
24 out there in the last three plus years.

25 MS. NEWTON: Do you think that there are?

1 Do you have any inkling?

2 FACILITATOR KERN: We can anticipate, I
3 think -- based on our experience, we can anticipate all
4 the issues.

5 There have been issues that have been dealt
6 with with regard to tree cutting. Well, most of the trees
7 have already been cut at the sites where that would need
8 to be done, so that's probably not anymore.

9 There have been issues about traffic, truck
10 traffic, but the last -- the Baker Beach 3 was done in
11 such a fine way that it was -- there were calls, but it --
12 the truck traffic thing was done in a -- early in the
13 morning and it was done in a way that I think had fairly
14 low impact.

15 MR. COOPER: Mm-hmm.

16 FACILITATOR KERN: Those are big items.
17 Just generally if somebody disagreed with hauling away
18 waste and that has been raised sort of philosophically,
19 why are you taking this away and isn't that damaging
20 somebody else?

21 MS. NEWTON: Because that happened in the
22 past.

23 FACILITATOR KERN: People raise it, but we
24 have, you know, countered it by this is a national park
25 with millions of visitors. The dump sites are in areas

1 that were not designed as waste reception areas. They're
2 not lined. They're not monitored well.

3 So we're moving it to a place where it can
4 be held safely, while expensive, is a good idea for this
5 property given where it is and its size.

6 So I think the objections, we know what
7 they'll be.

8 MS. NEWTON: It sounds like you're
9 prepared.

10 FACILITATOR KERN: Julie.

11 MS. CHEEVER: Is a RAP a type of document
12 that it's required that the public respond to the public
13 comments?

14 MR. COOPER: Yes.

15 MS. CHEEVER: So the final has to include a
16 response to the public comment during the thirty days?

17 MR. COOPER: Correct. That's what we call
18 a responsiveness summary. We'll have public commenter
19 number one and then we'll say what his comment is and the
20 Trust has an exact response how we respond to commenter
21 number one.

22 Sometimes we say thank you for your comments
23 and we're not changing anything. Sometimes we say we
24 changed page 3, the second line to, you know.

25 There's some changes that we can actually

1 make, but we can't make substantive changes to the
2 remedies if the comment asks for a major change in the
3 remedy.

4 MS. CHEEVER: As Sarah says then, I guess
5 this schedule is allowing ten days to do that?

6 MR. COOPER: So to write -- it depends on
7 the number of comments we get. We will have my consultant
8 at the public meeting taking notes, at least getting the
9 contents down of what the comments are so we can start
10 sifting through what our response to comments will be, and
11 then as soon as we get the meeting transcripts, we'll have
12 the exact comment and start working on that right away.

13 FACILITATOR KERN: You're right, Julie. If
14 somebody puts in a whole pile of comments on the last day
15 of the public comment period, there's a very short amount
16 of time to respond to that in this May schedule.

17 MR. COOPER: Yes.

18 FACILITATOR KERN: That's right.

19 We have the public comment meeting scheduled
20 early in the comment period, as Craig says, to see if
21 there are any issues, but this is a very accelerated
22 schedule.

23 MR. COOPER: Optimistic, best case, no
24 controversy.

25 FACILITATOR KERN: No problems happen. But

1 it almost has to be like that. We're up against it. If
2 we don't make it happen, and that's why the going out to
3 the public groups is seriously our job. That's our big
4 job.

5 We need to get on people's lists immediately
6 and be very proactive, go on the road show and talk to
7 people about what is going to happen at these sites, so
8 that we can anticipate if there are going to be any
9 problems.

10 Julian.

11 MR. HULTGREN: Question for Craig.
12 After -- after the comments have been made and distributed
13 or whatever's required, is there any further delay after
14 that point or can you then go forward?

15 MR. COOPER: Then we send the final
16 remedial action plan to the regulators and then there's a
17 signature process where for the agency to sign and that's
18 it.

19 And then after that, there's design. So the
20 RAP's done. That's off our plate.

21 MR. HULTGREN: The public doesn't get
22 another shot at you?

23 MR. COOPER: No. Once the Final RAP is
24 signed, the public is out of the picture. They can come
25 to RAB meetings and watch us do the work.

1 FACILITATOR KERN: If there are significant
2 enough comments that the regulator says, "You can't move
3 ahead," they won't allow it.

4 MR. BOGGS: It also goes to other public
5 agencies, as well. The State Historic Preservation has
6 commented in the past. They've worked out a past
7 agreement with the Trust.

8 So that path should be smoothed over, but if
9 there's substantive comments, we actually have to review
10 the Trust's comments.

11 If the comments are directed to us, the
12 stakeholders would have to respond, as well. So that
13 actually has to get reviewed before the document gets
14 signed.

15 MR. COOPER: Let's not forget. RAP number
16 2 I think was delayed six months due to public comments,
17 just as an example, to respond to -- remember we got that
18 letter from the Fort Point Historic Society about fillsite
19 6A.

20 MS. NEWTON: So you guys have a list of all
21 these groups, right? That's going to be our job to make
22 sure that all these people are aware of what's going on
23 and we give them as much advanced notice.

24 MR. COOPER: You might want to meet with
25 the Fort Point Historic Society.

1 FACILITATOR KERN: Absolutely.

2 MR. BERMAN: I have a comment about the
3 letter.

4 FACILITATOR KERN: Yes.

5 MR. BERMAN: This is the first time that I
6 have seen a statement that says that the estimated non-
7 anticipated costs are seventeen million, and I don't know
8 if there's any documentation to that, but this now seems
9 to be, you know -- I mean, if I was reading this, I would
10 say, "Well, where does that come from?"

11 So I don't know whether you'd want to
12 indicate that this is an exercise that has come from the
13 RAB or this is, you know, an agreement with the -- with
14 Craig Cooper, but -- and the reason why I'm bringing this
15 up is is there's a smidgen of a chance you could sue the
16 Army if they did not do a really good job in -- in stating
17 what the sites were and gave the 99 million dollars on the
18 basis of a certain understanding of what the sites were,
19 and therefore -- I mean, it's part of your suit against
20 the Army, you might include some of this seventeen
21 million.

22 MR. ULLENSVANG: I think that would be a
23 smidgen. I'm not sure exactly what Doug's put in there,
24 but it's not whether it was anticipated or not. It's
25 within or outside a very complicated definition in the

1 agreement for what is known and unknown, which does not
2 match a lay definition of known and unknown.

3 MR. BERMAN: Right. I understand that.
4 That's why I'm so concerned about the statement, this
5 plain out statement that says non-anticipated costs of
6 seventeen million, because, you know, it just looks -- it
7 almost looks flagrant in a certain sense, and so I don't
8 know how you want to --

9 FACILITATOR KERN: This statement actually
10 was toned down quite a bit, and I was wondering if anybody
11 would say it, so I really appreciate that you did.

12 I originally had in there "now exceeds 25
13 million." Originally at the beginning of the project,
14 there were several budget items where the budgeting was
15 not done very well and we still don't exactly know what
16 some of those administrative costs exactly were.

17 So I took out a lot of those. I do have the
18 documentation of what that added up to, and I actually
19 have a sentence in here that said: "Please see the
20 attached schedule," and then I took it out to see if
21 anybody would say anything about that and ask for the
22 documentation.

23 Because you know what really ticks me off
24 is -- and this is my own personal, you know, flame at the
25 moment, but that there are seventeen million that I could

1 identify that weren't budgeted.

2 That really is upsetting in some ways that
3 we're just kind of cruising along and there's all this
4 cost.

5 I want somebody to say, "What is this
6 seventeen million? I want to see the schedule," and then
7 of course I would have the schedule and I'd be happy to
8 talk to anybody about what those things are.

9 There's another issue here, though, and that
10 is Craig has been incredibly generous in providing me
11 access to this information, and the truth be told, he is
12 probably at some risk for having done that.

13 So I don't necessarily want to get him in
14 hot water. I want there to be -- on the other hand, his
15 management somehow needs to know.

16 So this could either be taken out and he can
17 tell them separately through some other channel, but it
18 was meant to suggest that there are big-time issues in
19 here that they need to pay attention to, they need to be,
20 you know, really seriously asking Craig "what the heck are
21 these -- this seventeen million?"

22 They need to get involved a lot more than
23 they are. They need to be involved in the -- that's meant
24 to provoke the discussion about getting more money going
25 back to Congress if we need to, because we have a lot more

1 things that we're being asked to do with this 99 million
2 than we originally thought we were supposed to do.

3 So it's a very insightful question that I
4 was kind of hiding in there, so I'll leave it open to more
5 discussion about what you think we ought to do.

6 MR. BERMAN: Before you leave that, though,
7 I'd really like to ask Brian if he has an opinion.

8 MR. COOPER: On the seventeen million?

9 MR. ULLENSVANG: I think it's important to
10 be known. I think that there's opportunities -- different
11 ways it could be known, but I think that's an important
12 element of where the cost growth has come from, and I
13 think if you set up for a legislative fix for additional
14 moneys, that's a compelling argument that it wasn't
15 necessarily that just the costs grew, but there were
16 items, however, that have come into the program that
17 weren't anticipated.

18 MR. BERMAN: Right.

19 MR. ULLENSVANG: And that's the sort of
20 thing that Congress can be more compelled to help with
21 than the costs got bigger.

22 MS. NEWTON: I don't think it reflects
23 negligence, though, just because you didn't anticipate
24 something.

25 FACILITATOR KERN: Totally, right.

1 MR. BERMAN: That's why the petroleum
2 project seems to me to be important when the information
3 was there that staff delivered.

4 FACILITATOR KERN: It's kind of
5 interesting, though. It happened to work out that way,
6 but the details of the program, you would see big
7 decreases in some things and then big increases in other
8 things.

9 MR. COOPER: Mm-hmm.

10 FACILITATOR KERN: It just kind of turned
11 out to be a wash, but you can still tell that story. It
12 still works.

13 MR. BERMAN: Now, I know you want to get
14 on, but if this is really a big issue, it seems to be that
15 we really need to have solid documentation on this, and if
16 what Brian is saying is if you're going to argue that you
17 go back to Congress, you certainly have to have a full-
18 fledged Trust report that documents this in real detail.

19 So, you know, I don't know whether -- I
20 mean, given, as I understand the importance of this issue,
21 whether you really want the -- this high-level meeting to
22 actually sanction substantiating that.

23 MR. ULLENSVANG: Just to follow up on that,
24 I would agree with you that this statement in the letter
25 wouldn't be your basis of going back to Congress.

1 MR. BERMAN: Of course.

2 MR. ULLENSVANG: But just as you suggested,
3 the Trust would undoubtedly have to do some sort of
4 internal reporting to say go from exceeds seventeen
5 million to the exact or near exact number with the full
6 backup.

7 MR. BERMAN: Right.

8 MR. ULLENSVANG: So any sort of legislative
9 aids could do that, but this would then be the motivation.
10 This would just be a sign.

11 MR. BERMAN: I understand that, but the
12 question is that's a big assignment to put that document
13 together sensibly and -- and substantially, and, you know,
14 the command of that has to come out of Middleton's office,
15 almost, it seems to me to do that.

16 So is this -- is this an objective -- I
17 mean, it almost looks to me like it's a very sly hidden
18 agenda that you sort of build it up, and at the end, you
19 knock them over the head and say, "You better sanction
20 this by internal Trust funds that this report get
21 developed."

22 FACILITATOR KERN: Well, to capture -- I
23 want to be able to capture a couple more comments and I'll
24 just, you know, finish with this one thing, is I'm dancing
25 a little bit on this issue because, again, Craig has been

1 generous in allowing me to investigate this and work with
2 Alan and discover some of these numbers.

3 I'm trying to work out a way to even talk
4 about it at the Summit meeting so that they begin to
5 realize the breadth of some of these issues that they need
6 to think about.

7 Having it in the -- it's a double-edged
8 sword, having it in the letter.

9 Let me get a couple more comments. We'll
10 resolve that. Gloria.

11 MS. GEE: You know, I -- still dwelling on
12 this seventeen million, I mean, one way rather than attach
13 a schedule that -- you know, is to have a little footnote
14 after that seventeen million and say that per discussions
15 at our RAB committee meeting of whatever date it was, that
16 was one of the subjects that we had, and that way they
17 know that there is some legitimacy, but they don't know
18 the nuts and bolts, and then you could provide -- you
19 know, provide the details.

20 But that will say that, yes, the seventeen
21 million is not just pulled out of the air.

22 FACILITATOR KERN: Right.

23 MS. GEE: It was per whatever -- our RAB
24 committee meeting at X date. That was one thing.

25 The other thing is given the sense that

1 you've expressed -- and I think everyone shares that,
2 about the urgency of this, and I thought the letter was
3 fine three weeks ago, okay, but if you want to heighten
4 the urgency, one might think also in the -- I guess the
5 third paragraph, the second sentence, it says: "We agree
6 that."

7 You can -- if you want to put more contrast,
8 "we think while we agree that cost containment and
9 efficiency measures must be implemented, we firmly believe
10 that there are some numerous strategies that can be
11 tested."

12 I don't think anyone disputes that there
13 could be cost-effective measures, but you're really
14 putting the emphasis on exploring these other
15 alternatives.

16 So if you want to do that, that might be a
17 way.

18 FACILITATOR KERN: Okay. Other -- John and
19 then -- John.

20 MR. BUDROE: There's times where the
21 devil's in the details, but this isn't one of these times.
22 It doesn't much matter whether that number ends up being
23 ten million, seventeen million or 22 million. It's a
24 wake-up call.

25 We don't need to have bullet proof

1 documentation of what that number is. It's just a
2 question of making that wake-up call to the three parties
3 involved and saying, "we need to do this. We need to do
4 this now and here's why."

5 If the Trust goes back -- tries to get back
6 to Congress and get more money, then yes, then your
7 documentation of whatever you say will have to be bullet
8 proof, but that point's a ways off. We're not going to be
9 the ones that will do it, anyway.

10 I think as it stands, if you wind up making
11 this too complicated with too many footnotes, people's
12 eyes are going to glaze over. This is short, sweet and to
13 the point.

14 MS. GEE: I don't think there's any other
15 footnote. The one --

16 MS. NEWTON: They know. Don't they know
17 that we've got backup to that number?

18 MR. BERMAN: That's what --

19 MS. SEGAL: This is the third Summit
20 meeting and we've -- we've talked about how that 99
21 million isn't going to make it because of existing costs
22 and what we've done, but is this the first time that we're
23 really emphasizing the unanticipated costs? Have they
24 always been lumped in with the --

25 MR. COOPER: Yeah. In general, the cost

1 growth and the unanticipated costs.

2 I happened to look at my quarterly financial
3 reports. I haven't separated the two out.

4 Doug, I wouldn't worry about it. I haven't
5 seen your documentation, but I think even from the
6 quarterly financial status reports and just your knowledge
7 of what was kind of in the -- thinking back in 1999 and
8 what we're dealing with now, I'm not nervous about anybody
9 yelling at me about how you put together a ballpark
10 number, you know.

11 FACILITATOR KERN: Well, I --

12 MR. COOPER: It could be done right off --
13 just you've been around for so long. You know what are
14 the numbers in 1999 and what the universe is now, and you
15 know what my projected cost is for the new stuff.

16 You just added it up right out of this
17 couple of things.

18 FACILITATOR KERN: If you're not worried
19 about it, I don't have any problem leaving it in.

20 MR. COOPER: Yeah.

21 FACILITATOR KERN: I can actually produce a
22 spreadsheet where there are items that have zero budget in
23 1999 and then there's their budget and you can sort them
24 and add it up and it's --

25 MR. COOPER: Just send that to me just so

1 Jeff calls. Is that number right? I've got a spreadsheet
2 here that adds up to about the same number, too.

3 FACILITATOR KERN: Michelle.

4 MS. PASSERO: We can just add that the RAB
5 estimates, if that provides any more cover, and then --
6 and thank you for the letter, by the way.

7 When we talk in the last paragraph on the
8 first page, the last sentence when we're talking about
9 additional philanthropic dollars, I was just wondering the
10 pool is a little bit broad on that. It could be public
11 funding or straight funds.

12 So, you know, you can see additional sources
13 of funds and then maybe put in parentheses, you know, "for
14 example, philanthropic, public or state, et cetera" just
15 so they understand the range of funds that are out there.

16 FACILITATOR KERN: Okay. Other thoughts?
17 I thought I saw a couple other hands. Did I get --

18 MS. CHEEVER: I think I agree with what
19 John said about keeping that part of the letter simple,
20 and I just wanted to comment that I think a strength of
21 the letter is our trying to advise or tell the Trust that
22 it's important to get started in forming community groups,
23 because that really goes directly to what part of our
24 purview is.

25 We're not the only channel between the

1 public and the Trust at all, but it is part of our jobs to
2 try to help facilitate that.

3 So I think we're very much in our own
4 territory in that paragraph where we point out the need
5 for preparing for public comment.

6 FACILITATOR KERN: Ed.

7 MR. CALLANAN: I just wondering, does the
8 Trust have a contingency fund that they may have
9 anticipated overruns in various programs?

10 MR. COOPER: No. For the remediation
11 program, no. The cost overrun insurance policy is really
12 the only contingency fund for that.

13 There was -- when each project was costed
14 out, there was a certain contingency assumed for each
15 project budget back in 1999, and sometimes it's
16 approximately fifteen percent and sometimes that was
17 enough and sometimes it wasn't enough through scope growth
18 and cost growth, but there's no separate pool of money
19 sitting someplace that we can tap in to.

20 That's our cost overrun insurance, I think
21 that was the overall strategy if the 99 million was not
22 enough, so --

23 FACILITATOR KERN: Any other thoughts?

24 So we kind of did a little discussion about
25 the seventeen million, kind of know why it's in there, had

1 some feedback from Craig about that. I know I can support
2 it. I can give him a spreadsheet in case he gets a
3 question. So that gives me some comfort about not doing a
4 lot with that.

5 Gloria made some comments about -- on the
6 second sentence of the third paragraph of why we agree the
7 cost contingency should be implemented, where we firmly
8 believe that there are some new strategies that could be
9 tested.

10 I wouldn't object at all and would be happy
11 to put in those changes, and then Michelle added the
12 second "is to seek additional sources of funds (public,
13 state, philanthropic dollars for restoration and reuse
14 projects)," and I think it would be good to add that.

15 We do have another major change is that
16 we're addressing it to all three agencies so everybody
17 feels included and part of it and we're communicating with
18 all of them simultaneously, because it's going to take
19 everybody to do both these, to get the May deadline done
20 and to be thinking about the new money issue.

21 MS. MONAGHAN: Any reason why Jeff Deis
22 isn't on the cc?

23 FACILITATOR KERN: I don't know. He needs
24 to be.

25 Devender, should we be addressing this to

1 Curtis? Should he be in the same group at the top?

2 MR. NARALA: Yes.

3 FACILITATOR KERN: And should we cc, then,
4 your immediate --

5 MR. NARALA: Gina Caturia.

6 FACILITATOR KERN: Could you spell that for
7 me?

8 MR. NARALA: First name G-i-n-a.
9 C-a-t-u-r-i-a.

10 FACILITATOR KERN: Very good. So make that
11 change, as well.

12 Any other thoughts about this letter?

13 MR. BERMAN: I have a couple of words --

14 FACILITATOR KERN: Yeah.

15 MR. BERMAN: -- that I've written down
16 here. That I'll give to you later.

17 FACILITATOR KERN: Bob, any thoughts about
18 this?

19 MR. BOGGS: I think it's a good letter. I
20 agree with the changes you're making. I agree with
21 keeping the seventeen million in there. I think it serves
22 a good purpose, and I think it's a good supportive letter.

23 FACILITATOR KERN: Devender?

24 MR. NARALA: Yeah.

25 FACILITATOR KERN: Craig, you may take --

1 get the most feedback.

2 Any other thoughts about this?

3 MR. COOPER: No. You know, the May
4 deadline is going to be tough, but I'm fully committed now
5 that I'm back from vacation to make that happen, and I've
6 got -- I've got my consultants, everybody's focused on
7 making this happen, but I -- you know, we'll just keep
8 checking in with people every month and see how we're
9 doing in making that deadline.

10 Maybe at a committee meeting, we could talk
11 about some kind of -- I don't want to call it a whipping
12 post, but some kind of way that the RAB -- these schedules
13 that I've produced are maybe not the most efficient ways
14 of you guys.

15 When should we start saying, "Okay, guys.
16 Figure it out. Keep going."

17 I don't have a magic bullet to that, but we
18 can think about that for RAP4 and 5, and something that is
19 on one piece of paper with major milestones, where they
20 are right now, and if -- are we having a problem or not.

21 FACILITATOR KERN: Right.

22 MR. COOPER: So let's think about that. So
23 we have a greater role in checking things.

24 FACILITATOR KERN: If we can provide that
25 role in a very constructive way of saying, "We've got all

1 these sites. We've got to get the I's dotted and the T's
2 crossed. Got to work it out so we get all this done," so
3 I think we're willing to -- to play that role if it can
4 work, so --

5 MR. COOPER: The money part, I don't have
6 any problems with the seventeen million, as I said. You
7 obviously can figure that one out.

8 The philanthropy, the funds raising part,
9 that's just an education thing. I told my management
10 about it for the first time just a couple months ago and,
11 you know, they aren't against it.

12 What I'm nervous about personally is I know
13 somebody -- you know, just our RAB fundraising committee.
14 I don't want to be a little beagle here.

15 MS. NEWTON: I'd be concerned about that,
16 too.

17 MR. COOPER: Are we getting into -- that
18 committee into some kind of grounds that a RAB group is
19 not supposed to, and you might -- you may not -- I think
20 you could still do this work, but you might be your own
21 committee -- you know what I mean -- who happen to be RAB
22 members, and I don't want to necessarily -- I'm calling my
23 legal department.

24 I'd let them know that you guys are looking
25 into fundraising options and things like that, but --

1 MS. NEWTON: It's not even a legal issue.

2 It's what we're here to do, and it's this group's
3 responsibility to -- to get you moving in what you're
4 supposed to do and not something completely different.

5 I'm not saying there's anything wrong with
6 it, but in a way, I think that subtracts -- that's not
7 what we're worried about right now.

8 We're worried about these guys getting the
9 thing signed, getting the job done, and hopefully getting
10 more money, if necessary, but not necessarily from outside
11 sources.

12 MR. ULLENSVANG: I think they would be
13 advising you not fundraising themselves.

14 FACILITATOR KERN: I -- I would like to
15 make that clear, is that we don't -- I'm not proposing
16 that we set up some fundraising organization. The park's
17 conservancy knows how to do that, but we can provide
18 impetus.

19 We can provide recommended projects, even,
20 that they may not have thought about, and then they'll
21 have their priority list of what they're fundraising for
22 and they may need encouragement to raise ours higher on
23 their list, so --

24 MS. KRAMER: And it seems also that one
25 thing that we could do is to make some sort of public

1 outreach to make more people aware of what the RAB and
2 what the Trust is doing and just increase the knowledge
3 out in the community; not just in the short-term for RAP3,
4 but just going forward to make people aware that, you
5 know, this is the history and this is where it's going,
6 these are the issues.

7 MR. COOPER: Right.

8 MS. KRAMER: So that other organizations,
9 maybe the philanthropic areas, you know, just raise
10 people's awareness so that --

11 MR. COOPER: Right.

12 MS. KRAMER: Other organizations and
13 channels.

14 MR. COOPER: I completely agree with -- you
15 know, we talked a little bit about that with the park's
16 conservancy person. You know, I still am thinking there
17 might be somebody out there if we get the information out
18 that might just catch somebody's eye.

19 Because you know what? That's cool, and I
20 happen to be rich and I happen to work for a big company
21 and I want to throw some money in there.

22 It may not, but just -- it can't hurt to get
23 word out there. It just takes resources to get the word
24 out there, and I know that Craig Middleton and Jeff Deis
25 are going to be doing -- we're not hiring someone to be a

1 remediation fundraising person. That's kind of going to
2 be their reaction right now.

3 MS. PASSERO: Yeah, but I think it's also
4 important, though, to emphasize that the available sources
5 of money out there are philanthropic, but there's also
6 other sources.

7 So it is a broader effort to help, and if
8 you're talking about a contingency fund, you know, this is
9 sort of along those lines.

10 MR. COOPER: Yeah.

11 FACILITATOR KERN: Okay. So we have a
12 letter in front of the group with the changes, our
13 adding -- adding another -- adding another addressee at
14 the top, the third paragraph, while we agree, we firmly
15 believe that change, the change down here sources of funds
16 and a couple of cc's.

17 I would entertain a motion from the floor
18 about this letter.

19 MS. PASSERO: Motion to --

20 MS. SEGAL: Correct.

21 FACILITATOR KERN: And a second?

22 MS. SEGAL: Second.

23 MR. CALLANAN: Second.

24 FACILITATOR KERN: It's been moved and
25 seconded that the RAB support this letter.

1 Is there any further discussion? All in
2 favor, say aye. Opposed?

3 Thank you very much for that -- for the
4 support and the comments and putting this letter together.

5 I think with Jan and Mark, who provided
6 their vote to me today, we would have sixteen community
7 members that supported this letter, including Gloria.

8 So thank you very much for spending that
9 time.

10 Any -- if we move on to item 6, any comments
11 from either of our regulators tonight?

12 MR. NARALA: No.

13 MR. BOGGS: No.

14 FACILITATOR KERN: All right. Any other
15 new business or public comment?

16 Action items. We're going to put Caltrans
17 Mountain Lake discussion on a committee agenda. We talked
18 about better quality for the reasons in the cost tracking
19 reports.

20 MR. COOPER: Mm-hmm.

21 FACILITATOR KERN: Obviously a big thing on
22 our agenda for the next couple of months is going to be
23 this RAP3 and really getting ourselves organized, getting
24 on various community group dockets, agendas.

25 And then we'll probably be reviewing some of

1 those agenda items for our next RAB meeting in March.

2 We're going to be Summit meeting next week,
3 so that will be a big item on our committee meeting, as
4 well, following up on that, and then probably the next RAB
5 meeting.

6 So I just want to say thanks to everyone for
7 coming out tonight. Comment.

8 MS. SEGAL: The March 13th RAB meeting
9 apparently will be at a different location. We did get
10 a --

11 MR. COOPER: I haven't seen that e-mail
12 yet.

13 MS. SEGAL: It was an e-mail a while ago
14 before I went out of town.

15 MS. NEWTON: It was.

16 MS. SEGAL: It was earlier on, because
17 something is happening in this building.

18 MR. ULLENSVANG: A scheduling conflict.

19 FACILITATOR KERN: That's really important.

20 MS. SEGAL: I don't know where it is.

21 FACILITATOR KERN: It's right over here.

22 Any other comments for the good of the order
23 tonight? Thanks to everyone. Without objection, meeting
24 adjourned.

25 (The meeting concluded at 9:21 PM).

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

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I, the undersigned, hereby certify that the discussion in the foregoing meeting was taken at the time and place therein stated; that the foregoing is a full, true and complete record of said matter.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing meeting and caption named, or in any way interested in the outcome of the cause named in said action.

IN WITNESS WHEREOF, I have
hereunto set my hand this

31st day of May,
2007.


Mark I. Brickman CSR No. 5527

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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, MARCH 13, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

RAB Members:
Doug Kern, Facilitator
Mark Youngkin
Craig Cooper
Brian Ullensvang
Devender Narala
Sam Berman
Sara Segal
Jan Monaghan
Julian Hultgren
Gloria Gee
John Budroe
Michelle Passero
Jan Blum
Edward Callanan
Julie Cheever
David Bach
John Chester
Barbara Newton
Toni Kramer
Jay Willner

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BE IT REMEMBERED that, pursuant to Notice of the Meeting,
and
on March 13, 2007, at the Officer's Club, Building 50, Presidio of San
Francisco,
California, before me, MARK I. BRICKMAN, CSR No. 5527, State of
California, there
commenced a RAB meeting under the provisions of the Presidio Trust.

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1 FACILITATOR KERN: Welcome, everyone. I
2 guess we'll try to get started. I know that we may have a
3 few more people find their way to this new site tonight.
4 Very nice room.

5 This is the regularly scheduled meeting of the
6 Presidio Restoration Advisory Board for March 2007. I'd
7 like to welcome the Presidio Trust and the Park Service,
8 the Department of Toxic Substances Control, the Regional
9 Water Board, Presidio Restoration Advisory Board community
10 members and -- and any others that may decide to find
11 their way here. Welcome.

12 Are there any additions or changes to
13 tonight's agenda? Any announcements?

14 MR. COOPER: I have an announcement.

15 FACILITATOR KERN: Yes.

16 MR. COOPER: Tonight we have to make sure
17 that we leave -- everyone is out of here by 9:30 because
18 they have to set the alarm. Someone's going to come
19 specifically at 9:30 to set the alarm.

20 So we need to make sure we finish the
21 meeting by ten minutes after 9:00 and get packed up and
22 moved out. I think we'll make that.

23 FACILITATOR KERN: We'll make it.

24 MR. COOPER: Yeah.

25 FACILITATOR KERN: Otherwise, it will be

1 kind of exciting to have the police come.

2 Brian, do you have an announcement?

3 MR. ULLENSVANG: Yeah. I just want to let
4 everyone know next Thursday night at the Officer's Club
5 the Park Service will be hosting a listening session,
6 which is part of a series of nationwide meetings that are
7 being undertaken.

8 The second is Jean Scarlan will be speaking
9 at the thing. It's at 5:30, and this is to gather public
10 comments and issues and concerns regarding the president's
11 current funding initiative for the parks, which was the
12 hundred million dollar challenge grants.

13 So you're all welcome to go, and the idea is
14 to get input on what the park should be like in the next
15 centennial. So we're coming up to our sentential year at
16 the Park Service, and this is the ten years prior to that
17 as we get ready for that, rebuild the parks and what do we
18 want the parks to look like in the next one hundred years.

19 So everyone's invited.

20 MS. SEGAL: That is next Thursday.

21 MS. BLUM: Thank you.

22 MR. BERMAN: This is all parks in the whole
23 country?

24 MR. ULLENSVANG: There are select cities
25 throughout the country where these are being held. This

1 is for all national parks. This is the National Park
2 Service, so it's all the parks.

3 MS. SEGAL: If we go on the National Park
4 Service Website, will they have something about the
5 hundred --

6 MR. ULLENSVANG: I imagine they will. This
7 is happening -- the president has proposed his budget not
8 too long ago, so this is developing fairly quickly, so I
9 don't know if the Website has caught up, and I would
10 imagine that our Website, if it doesn't, will have
11 something before Thursday.

12 MS. SEGAL: It's called the listening
13 session?

14 MR. ULLENSVANG: (Nods head affirmatively).

15 MS. SEGAL: Thank you.

16 MR. BERMAN: Will there be a full page ad
17 in The Chronicle?

18 MR. ULLENSVANG: I doubt it. But we are
19 lucky to have one here in San Francisco for opening
20 session.

21 MR. BERMAN: It would seem a shame not to
22 have a really large advertisement of that in The Chronicle
23 because there's a lot of people that not only use the
24 national park here locally, but through the whole western
25 part of the United States.

1 MR. ULLENSVANG: Well, and that's one of
2 the reasons that we're putting the word out through with
3 all of the groups that meet with us to get the word out.

4 There isn't time to do traditional
5 announcing. We were told when the date was, and we were
6 told the end of last week, so we were not given a lot of
7 time to pull this all together.

8 MR. BERMAN: Except that something in The
9 Chronicle, it's still time to do something in Sunday's
10 Chronicle, which will meet a far larger audience.

11 MR. ULLENSVANG: I'll certainly let the
12 public affairs know. They're working on it right now.

13 MR. BERMAN: It sounds typical of public
14 agencies when they don't want anybody to show up.

15 MR. ULLENSVANG: Actually, we really want
16 people to show up. We want as many people there as we can
17 get.

18 FACILITATOR KERN: Jan.

19 MS. BLUM: I'd like to get -- if you don't
20 mind putting out an e-mail to all the people in the RAB --

21 MR. ULLENSVANG: Sure.

22 MS. BLUM: -- with some kind of a format of
23 what will happen.

24 MR. ULLENSVANG: We will have something --
25 I was hoping by tonight that I would bring you something.

1 MS. BLUM: Don't wait for that to be
2 printed up. Time is of the essence.

3 MR. ULLENSVANG: It was printed for e-mail.
4 It didn't make it yet.

5 FACILITATOR KERN: Any other announcements?
6 Thanks, Brian.

7 There is a copy of the most up-to-date
8 charter and bylaws here if you need one, right here.

9 Are there any other announcements?

10 Moving on, committee reports from last week
11 or two weeks ago.

12 MR. YOUNGKIN: So we met on February 27th,
13 two weeks ago on Thursday, and we had a good attendance
14 over at Building 1750, and we had some announcements.

15 Dave Sutter has resigned. He's been on
16 leave of absence for a long time, so he's resigned, and
17 Peter O'Hara will be coming back in April. He's been out
18 quite a while. He had a tragedy in his family, so he's
19 contacted me.

20 He'll be back in April, and at the meeting,
21 we spent a lot of time talking about the same topics we're
22 talking about tonight. We had a discussion on the summit
23 meeting report and also RAP 3 community outreach.

24 So I think we're going to sort of recap
25 those discussions and have a continuing discussion on

1 those tonight.

2 I've also received a response to our RAB
3 letter from Tony Landis, the Department of Toxic
4 Substances Control. I'm going to pass that around for
5 everyone to read. Nice letter.

6 MR. BERMAN: Is that the same one we got on
7 e-mail?

8 MR. YOUNGKIN: Same one I e-mailed you.
9 Everyone get that okay? Working good to get
10 those?

11 MS. SEGAL: Yeah.

12 MR. YOUNGKIN: Also have a stack of stuff
13 that comes through my mailbox, accumulates. Peruse
14 through.

15 If anyone wants something to take home,
16 you're free to take it. Will have before it ends up in
17 the recycle bin.

18 MS. PASSERO: Does it have to do with the
19 Presidio?

20 MR. YOUNGKIN: If you find anything to the
21 RAB related in there, give it back.

22 So our next committee meeting will be in two
23 weeks, Building 1750, I believe. Right, Craig?

24 MR. COOPER: 1750, yes.

25 MR. YOUNGKIN: That's all.

1 FACILITATOR KERN: Very good. Tonight's
2 major goal is to basically run Craig through the ringer
3 with trying to get prepared for these outreach meetings.
4 He has some materials and we're the best people available
5 to ask him a lot of strange and important questions.

6 Actually, the RAB did a very good job of it
7 at our committee meeting, and so he should be very well
8 prepared for this --

9 MR. COOPER: My God.

10 FACILITATOR KERN: -- tonight.

11 We gave him several comments on a handout,
12 so we'll see how he's been able to deal with that handout.
13 It's just setting him up for the spike now.

14 MR. COOPER: Do we want to talk about that
15 or do we want to talk more on the summit? Because I
16 did -- I -- we probably forwarded these by e-mail, but I
17 also made hard copies of the actual meeting notes and my
18 Power Point presentation that I made at the summit 3
19 meeting.

20 So if you really wanted to dive into the
21 details about what information was shared with -- at
22 senior manager level at the various agencies, you can read
23 this, and not only, you know, as you can see, the summit
24 meeting was mostly about RAP 3, but the second half was
25 about RAP 3, how are we going to do better on and more

1 timely work on RAPs 4, 5 and 6.

2 So as you can see, the Power Point
3 presentation is called beyond RAP 3.

4 FACILITATOR KERN: Definitely start with
5 the summit meeting. That's a good intro into what --

6 MR. COOPER: Now -- take one. Pass it
7 along. We're getting good attendance here. I made twenty
8 copies. It looks like there could be at least --

9 MS. PASSERO: Share.

10 MR. COOPER: You might have to share.

11 So I'll wait for everybody to get their --
12 are we running out on that side, as well?

13 MR. CHESTER: I think we'll make it).

14 MR. COOPER: Okay. Does everyone have one
15 or one to share with?

16 So I'm looking at the meeting notes first,
17 and just to highlight some things. You can see the
18 attendees. People of particular interest going down, Jeff
19 Deis, who is my boss, chief operating officer, and
20 Devender's boss, Gina Carpuria; is that right --

21 MR. NARALA: Mm-hmm.

22 MR. COOPER: -- was there.

23 And then Brian's boss' boss, Brian O'Neill
24 was there, and then on DTSC, there was actually two
25 managers. Daniel Murphy is Bob Boggs' immediate

1 supervisor and Tony Landis is Dan Murphy's actual
2 supervisor. So DTSC actually sent two managers there.

3 Dan Murphy works with Bob Boggs in DTSC's
4 Berkeley office, and Tony Landis came all the way from
5 Sacramento. So we had five managers in the room, so that
6 was pretty exciting.

7 So just to go over the purpose. You know,
8 it was to kind of reinforce, first of all, the efforts
9 that we've made in summit is one and two as working kind
10 of in the integrated team type approach and to improve the
11 working relationships amongst team members.

12 There's this ultimate goal that we need to
13 get the park cleaned up and finish construction complete
14 at the remediation sites within the next six to seven
15 years, because -- and we talk about that more in that
16 because in 2014, that's when the Trust cost overrun
17 insurance expires.

18 And so, you know, the theme that was
19 presented, at least by the Trust, is that we -- we
20 inherited a program that was really kind of clean closure
21 focused, one that had -- that was focused on front end
22 cost, that we have high capital costs with our remedies
23 and low operation and maintenance costs, you know, so more
24 clean closures, fewer landfill caps.

25 That's kind of the theme of the -- of the

1 remediation program that we -- I shouldn't say we
2 inherited. That we created with the Park Service and the
3 stakeholders together back in 1999.

4 So -- and, you know, as you know, the Trust,
5 when we projected the shortfall, we went through some
6 gyrations like oh, should we stay with that -- just stay
7 to that philosophy or should we start retreating back, you
8 know, and try to save more money and so on, but we are
9 basically, to the extent possible, with some minor
10 changes, keeping to the original focus, and we really
11 wanted to highlight that to -- to all the stakeholders in
12 that the sooner that we can turn around planning
13 documents, the sooner we would get to construction, the
14 sooner we can get not only projects completed, but if we
15 are going to meet the cost overrun insurance, we got to
16 spend that -- get those invoices in before May of 2014.

17 So the theme was help me spend my money
18 faster, and of course prospectively on important things,
19 but to spend the money faster.

20 So you can -- as you can just flip through.
21 I'm not going to talk about all these things. We talked
22 about RAP 3 and getting through kind of -- we spent the
23 first hour and a half of the meeting, first half of the
24 meeting, kind of, as you can see, point by point about
25 getting the RAP signed, getting the CEQA initial studies

1 done, which is a DTSC lead things.

2 Trust is working on the proposed plan and --
3 and speak -- speaking of the proposed plan, the proposed
4 plan is just a fact sheet.

5 As you can see, I'm on page 3 of the notes.
6 It will be about six pages long, and it will go out to
7 about 3,000 people or more, anybody that lives in the
8 Presidio, works in the Presidio, all the RAB members, the
9 stakeholder groups, and I thought I would at least
10 tentatively announce when we're planning to hold the
11 public comment period and when we may hold the actual
12 public meeting.

13 It's still a little fluid, but we're
14 shooting for April 24th to May 24 for the thirty-day
15 public comment period and holding the actual public
16 meeting on May 8th, which I don't -- I didn't bring my
17 calendar book, which I always have with me, but I believe
18 that is the second Tuesday -- did I get that date right?
19 Yeah. That's the second Tuesday that would land on a RAB
20 meeting night.

21 Now, I just wanted to throw that out to you
22 guys, because that's the day we've done it with RAPs 1 and
23 2. We intentionally landed the public meeting night the
24 same night as the RAB meeting, and what -- we would hold
25 the public meeting on RAP number 3 from 6:00 to 7:00 and

1 then there would be some break, you know. We'd have to
2 reorg a little bit, and then we'd start the RAB meeting
3 from 7:30 to 9:30.

4 So it would eat into your RAB time for that
5 night, unless you wanted to go later, but -- so is that
6 okay with you guys? Is this something -- because we can
7 just as easily have an official public meeting on a
8 different night, as well, but we kind of did it as a
9 courtesy for people that wanted to go to both.

10 Then you don't have to, you know, drive to
11 the Presidio twice.

12 MR. BACH: What's the date of that? May
13 5th?

14 MR. COOPER: May 8th. That's tentative,
15 but I guess if things do start to slip, let's say, and,
16 you know, we have to move off of May 8th a little bit,
17 would you like for us to go ahead and hold it on May 15th,
18 for example, or should we push it all the way to the June
19 RAB meeting?

20 That would mean a shift of the public --
21 that might mean a shift of the public comment period.

22 MR. NARALA: We also talked about if we
23 wanted to do it --

24 MR. COOPER: Oh, the committee. We could
25 hold it on the fourth Tuesday, as well. If it starts to

1 slip a little bit, we could always move it to the fourth
2 Tuesday of May, as well.

3 FACILITATOR KERN: I think earlier is
4 better. That way we're still on track for signature in
5 May.

6 MR. COOPER: Absolutely, but in the -- you
7 know, so in the case we do have to slip it a couple days,
8 would your preference be go ahead and just slip it a
9 couple days and hold it on a separate day as a RAB meeting
10 or should we slip it two weeks so we can time it with the
11 RAB so you guys don't have to come --

12 FACILITATOR KERN: I wouldn't wait two
13 weeks.

14 MR. COOPER: Well, it would be like -- if
15 we had to slip it a couple days versus ten more. So just
16 go ahead and hold it as soon as we can?

17 MR. YOUNGKIN: Yeah.

18 MS. BLUM: Absolutely.

19 FACILITATOR KERN: Yeah.

20 MR. COOPER: Got that.

21 MR. YOUNGKIN: Shooting for May 8th.

22 MR. COOPER: We are shooting for May 8th.

23 MS. CHEEVER: The only reason to slip it
24 till after the public comment is May 8th.

25 MR. COOPER: Yeah. You can hold -- you try

1 to have the public meeting kind of somewhere in the
2 middle. You can have it in your first week, but you don't
3 want to have it in the first couple days.

4 If the Public comment shifts to May 5th,
5 because you got to theoretically give people a chance to
6 read the proposed plan fact sheet, theoretically go to the
7 Trust library and do research.

8 So you try to have it, you know -- give
9 folks at least, you know, ten days to fourteen days before
10 you have the official public meeting. Because then you
11 want to have a time frame after the public meeting,
12 because you want to give time to folks theoretically to
13 write -- write their letter if they haven't written their
14 comment letter already. So that's why we try to have it
15 in the middle.

16 MS. CHEEVER: We've all been nodding our
17 heads, but just for the written record, I want to say that
18 most of it is -- at least the top priority would be to
19 have it as soon as possible.

20 MR. COOPER: Okay.

21 MS. CHEEVER: So the comment people would
22 happen as soon as possible.

23 MR. COOPER: Got it. That makes it easier
24 for me, as well.

25 Okay. So kind of flipping through more of

1 the notes, at the bottom of page 3, so we kind of re -- we
2 kind of left talking about the RAP and then started
3 talking about the design and construction work for sites
4 that we are selecting remedies for in RAP number 3, and
5 just to make sure that, you know, not all the focus is on
6 RAP 3.

7 We got to keep a focus on the design work,
8 as well, because, you know, our strategy is is that we
9 don't want a big gap between the E -- when the -- we sign
10 the final RAP to our actual first, you know, construction
11 of digging up contaminated remediation sites. We want to
12 keep that gap, you know, very short.

13 So the only way to do that is to start
14 working on the designs now, and then really ramp up the
15 design, let's say, once you're in the public comment
16 period of the RAP and you're seeing that the public isn't
17 commenting in a significant way and work on finalizing the
18 designs, because we have confidence that the RAP will turn
19 out just like we thought it would and then we can finalize
20 the design.

21 So moving on through the notes, maybe -- as
22 you can see, the top of page 4, we found, you know, Baker
23 Beach 1 and 2A are big landfill removal projects in RAP
24 number 3, and there's a little bit of our thinking back
25 then in that I think I told you guys that we have found a

1 remediation contractor, the actual company that will be
2 digging up the landfills, and they are called AIS from
3 Carpenteria, California down near Santa Barbara.

4 MR. BACH: What is sole source? What is
5 that?

6 MR. COOPER: That means non-competitive.
7 So normally we always put out -- put a request for
8 proposals out and then have a variety of companies compete
9 and send in bids, you know.

10 MR. BACH: This is solo.

11 MR. COOPER: This is a -- we have put
12 out -- we don't think a competitive bidding process would
13 work for the cleanup of these two particular landfills.

14 Because of the technical difficulty and the
15 technical complexity of these, we've only really been able
16 to find this particular company to pre-qualify technically
17 to have the expertise to do these, and we're -- there's
18 a -- you know, so that the problem with sole sourcing is
19 that then the company goes, "Great. I get to set my
20 price."

21 MR. BACH: That's not competitive.

22 MR. COOPER: Because it's not competitive,
23 but there's a way to do a sole source contract so that you
24 don't get ripped off. You can look at prices that they
25 charged, you know, other, you know --

1 MS. NEWTON: You look at comparative
2 projects.

3 MR. COOPER: Yes, right, and Brian, do you
4 have anything to add on that? I know it's mostly a Trust
5 thing getting this contractor.

6 MR. ULLENSVANG: This company does other
7 work for governmental entities, states and things like
8 that. So we have billing rates that the Trust can use to
9 compare to make sure that they're not being charged
10 something that's out of line to what's normal for that
11 work.

12 MS. NEWTON: But they're all within the
13 same firm?

14 MR. ULLENSVANG: That firm has been
15 charging for all their work. It won't be a cheap item,
16 but the Trust isn't going to get ripped off compared to
17 the State of California.

18 MR. COOPER: Right, right.

19 You can see that the second to last bullet
20 under construction at Baker Beach 1 and 2A sites, there's
21 a brief discussion of the summary of the information we're
22 collecting from this company to make sure that we are
23 getting rates that are acceptable.

24 MS. NEWTON: Within industry standards. So
25 you're going outside of AIS and doing some comparative

1 research.

2 FACILITATOR KERN: David, did you have a --

3 MR. BACH: I was wondering -- not
4 necessarily a related question. Is there any cross
5 reference or cross contracting going on between the
6 shipyard -- Hunters Point and what's going on with the
7 Presidio and the contractors?

8 MR. COOPER: I wouldn't be surprised. I
9 mean, except for these two -- Baker Beach 1 and 2A are so
10 unique being on such steep slopes, but I wouldn't be
11 surprised that our more conventional landfill projects and
12 other chemical spill projects and petroleum projects,
13 contract contractors that clean up here are the same ones
14 as Hunters Point.

15 I haven't really called the --

16 MR. ULLENSVANG: There's no intentional
17 crossover being developed.

18 MR. BACH: I can't imagine that there are
19 many key environmental agencies out there that do what
20 needs to be done well.

21 With all the stuff going on in the Bay Area,
22 I was wondering if there wasn't some price comparisons and
23 reference and things of that nature just because it's so
24 close.

25 MR. COOPER: Right.

1 MR. BACH: And it's very similar projects
2 to some degree.

3 MR. COOPER: I think we're getting the word
4 out. I don't know exactly how the Navy advertises their
5 bids, but there's this Website called Bid Ops.

6 If you're in this business, you know that
7 that's the Website you go to that you check probably
8 everyday to see when the latest announcement is about a
9 request for proposals from a federal agency.

10 MR. BACH: Not Craig's List, huh?

11 MR. COOPER: Not Craig's List.

12 That is very well-known. The federal
13 agencies have got that organized now. I don't know what
14 it was like before.

15 MR. ULLENSVANG: It's required. You have
16 to advertise there. It's required.

17 MR. COOPER: It's required to advertise on
18 that.

19 MR. ULLENSVANG: There were similar methods
20 before this current one on the Web.

21 MR. COOPER: Okay. It seems more
22 centralized now, yeah.

23 MS. BLUM: I'm wondering if there's any
24 kind of an appropriate policy for reduction in costs for
25 advertising on such a high visibility site by somebody

1 like AIS where there's no competition and they're --
2 you're probably negotiating a price with them, looking at
3 past jobs and that type of thing.

4 They're going to be in one of the highest
5 visibility sites in the whole United States of America.
6 I'm wondering if that's worth advertising with the Trust.

7 MR. COOPER: That's a good point. I
8 haven't had a remediation contractor approach us regarding
9 advertising, you know, their work.

10 MS. BLUM: Plastered all over their
11 equipment or something.

12 MR. COOPER: Oh, yes, and after they
13 complete, I wouldn't be surprised if they do, you know,
14 say -- at least have some pictures from our brochure from
15 our work in the Presidio.

16 MR. ULLENSVANG: They already have pictures
17 from the Presidio in their brochure.

18 MR. COOPER: Already? And they haven't
19 even started the work. They've done some trenching.

20 On the topic of AIS --

21 MS. NEWTON: You were suggesting that as a
22 reason for them to be more competitive in their pricing?

23 MS. BLUM: Sure. They're getting this high
24 visibility advertising new entities already been done.

25 MR. ULLENSVANG: It has not been negotiated

1 yet.

2 MS. NEWTON: It has not?

3 MR. ULLENSVANG: It has not.

4 MS. NEWTON: Oh, it has not?

5 MR. COOPER: This is them. So this is
6 investigation work that we used AIS to help us do the
7 trenching on, and so this is the spider excavator that
8 will be -- also be used for the remediation work, as well,
9 or some form thereof.

10 MS. SEGAL: It doesn't say AIS.

11 MR. COOPER: This is an idea that will be
12 used to clean up these landfills.

13 FACILITATOR KERN: A question here.

14 MR. HULTGREN: Craig, what is there about
15 the Baker Beach work that makes this the only company that
16 can do that work?

17 MR. COOPER: It's the steepness of the
18 slope. It's almost -- you know, I don't know what the
19 degree of angle. It's almost a ninety degree angle
20 straight down.

21 MR. ULLENSVANG: It looks that way. It's
22 actually not quite that steep, but it's very steep slopes,
23 and conventional equipment would not be able to access the
24 site.

25 MR. HULTGREN: How much investigation

1 was -- was done as far as possible contractors?

2 MR. COOPER: Well, George said that he
3 basically scoured, you know, the entire West Coast, you
4 know, remediation contractors, putting out, you know,
5 e-mails and feelers and working through our procurement,
6 you know, folks, as well, putting out notices and so on
7 about whether, you know, do you have -- we were basically
8 trying to pre-qualify companies to see if they had the
9 chemical expertise to do this work.

10 MR. ULLENSVANG: George even went to the
11 manufacturer of equipment to find out who else owned the
12 equipment.

13 MS. NEWTON: Nobody did?

14 MR. ULLENSVANG: There were a few
15 independent owners of this piece of equipment. A small
16 company with one excavator, but they were not the type of
17 firm that would be big enough to do this effort.

18 So George went to more than one manufacturer
19 of similar equipment and he researched where it was and he
20 can tell you that there was one in Canada, there's one
21 here and this firm. They said they have five of these
22 pieces of equipment, and they will be more than one used
23 on this job.

24 MS. PASSERO: Do they know that they're the
25 sole source? Do you have to tell them?

1 MR. COOPER: Oh, yeah.

2 MS. PASSERO: You can't say you talked
3 about somebody else?

4 MS. NEWTON: It says here that they would
5 only do it on a sole source basis, right?

6 MR. BERMAN: No. I think --

7 MR. COOPER: It was the Trust decision.

8 MS. NEWTON: They would be needed to be
9 done on a sole source.

10 MR. COOPER: I would love to find some
11 competition for them.

12 MR. ULLENSVANG: There is an advantage to
13 this in that the design can be worked with the firm, and
14 they're participating in the developments of the details
15 of how the work is going to be done.

16 So the actual design documents, which are
17 expensive and time-consuming to prepare, don't need to be
18 as detailed to cover the precautionary things you do with
19 the design.

20 If you don't know who you're going to be
21 working with, you have to make sure everything's
22 written -- your I's are dotted and T's are crossed.

23 Here this can all be worked out in a
24 cooperative sense and, you know, they can say, "Well, we
25 would like to use this piece of equipment" and we can say,

1 "We require you to use that piece of equipment." A very
2 easy thing to do. There will be some savings that way,
3 both time and money.

4 MR. BERMAN: I think the other advantage of
5 having a sole source is that since they know they're going
6 to be sole source, they will provide documentation to back
7 up their strengths, which is useful because they do that
8 instead of the Trust having to do that. It saves a lot of
9 time and effort.

10 MR. COOPER: Okay. Yeah.

11 MR. BACH: One more question. They seem to
12 have the contract on this. What is the flexibility or is
13 it capped in terms of their contracts and any additional
14 findings after that contract is finalized?

15 MR. COOPER: The way the last bullet under
16 that particular section, it says the Trust prefers using a
17 unit rate, so per ton.

18 So once we -- you know, that unit rate per
19 ton will be set with them, and that's what we're trying to
20 find comps for and all of that kind of business. It's
21 just them taking the material up the slope and it gets
22 weighed and we pay them by ton.

23 So various little technical difficulties
24 that they run into, that's for help to solve. If they
25 find something -- there's probably a reopening -- we

1 haven't even negotiated the contract yet.

2 I'm sure if there's something really crazy
3 that happens, they'll have a right for a change order, but
4 it's their job now to get the material up the hill and
5 we'll weigh it and we'll pay them based on the per ton, so
6 that's how it will be done.

7 Because otherwise -- so we can't -- they
8 can't -- oh, this is steeper than we thought. Oh, we
9 agreed to a lower unit rate. That's their problem at that
10 point, yeah.

11 MR. BACH: Thank you.

12 FACILITATOR KERN: It's not going to be
13 steeper than they thought because they've been out on
14 there.

15 MR. COOPER: They've been out there a
16 couple times, yeah.

17 MR. ULLENSVANG: They actually don't think
18 it's that steep.

19 MR. COOPER: They don't find it very steep.
20 That guy on the spider excavator just pushed straight on
21 down. Moves around on it.

22 All right. So moving through these slides,
23 we talked a little bit about the petroleum program.
24 Again, most of this focus was on CERCLA and our hazardous
25 substance sites for DTSC.

1 We talked a little bit about --

2 FACILITATOR KERN: Craig, it was an
3 important pause when we stopped to talk about how many
4 good things were happening with the Water Board, how many
5 projects were rolling and the accomplishments that had
6 happened. We did take some time --

7 MR. COOPER: Yeah.

8 FACILITATOR KERN: -- to talk about it.

9 MR. COOPER: Yes indeed.

10 MR. NARALA: He wants to focus more on RAP
11 3.

12 FACILITATOR KERN: I know, but it's always
13 good to --

14 MR. COOPER: Typical, yeah.

15 So let's see here. We talked a little bit
16 about Trust claims against the Army. I think I talked to
17 you about that before, that our claim against the Army for
18 Baker Beach 2A is our first big claim that's now going
19 into Phase III, executive level dispute, and going on to
20 page 5 of the notes, we talked a little bit about the
21 Zurich cost overrun insurance, again that 2014 date, you
22 know, is written several times, very important. I'll talk
23 about that again in my Power Point presentation.

24 Let's see here. Then we have a handout
25 about the financials and a discussion on where cost growth

1 is coming from, and you can see that our pre-remediation
2 I'm looking at like the -- so we had three major
3 categories of cost growth.

4 There are the unanticipated sites, sites
5 that were never known or budgeted back in 1999, and those
6 come in right around seventeen million.

7 We have scoped out for known sites that have
8 just gotten bigger and more toxic, and that's coming in at
9 about -- I've actually done more research. I'm doing a
10 board of directors presentation. That's coming in at
11 around fourteen million, and then we have un -- unexpected
12 pre-remediation planning costs, all the -- doing RAPs,
13 doing soil sampling, feasibility studies, things like
14 that, deep remediation design.

15 That's coming in at nineteen million dollars
16 more than expected, and -- which equates to about a sixty
17 or seventy percent -- I've refined these numbers in these
18 notes a little bit more. I've continued to refine them to
19 make sure they're accurate, but we were pretty much on
20 target, though.

21 So that is, you know, of concern, as well.

22 Because, you know, planning, you know,
23 costs, of course they're important. They have to be done
24 to make sure that -- that A, that all -- that our process
25 is transparent.

1 The public gets a chance, and -- to
2 participate and it makes sure that we are focusing on the
3 hot spots and that -- where the contamination is, and so,
4 I mean, I'm not -- doing the planning work is important,
5 but it is much more expensive than what we thought in
6 1999.

7 Not that we're doing it more expensive.
8 Just the tasks, you know, are a lot more.

9 For example, in 1999, we thought we could do
10 the whole CERCLA program in one remediation action plan,
11 and we're now anticipating at least seven.

12 So that alone is just one example of where
13 the Trust really underestimated the amount of work and
14 cost that would be associated with the planning of our
15 remediation sites.

16 MS. SEGAL: Can I ask a question?

17 MR. COOPER: Mm-hmm.

18 MS. SEGAL: So help me out here on the
19 numbers. So when you're talking about unanticipated
20 financials and the three -- unanticipated in the budget,
21 about sixteen million, growth about fourteen million, and
22 unexpected remediation planning, about nineteen million --
23 that's 49 million dollars.

24 MR. COOPER: Right.

25 MS. SEGAL: So --

1 MR. COOPER: And so we're getting more
2 interest -- you're absolutely right. So we got about
3 fifty million dollars about raw cost increases.

4 MS. SEGAL: Above the hundred. You have
5 some interest.

6 MR. COOPER: Interest is coming in higher
7 than what we thought.

8 MS. SEGAL: The Trust is currently
9 projecting 141 million to complete. That takes into
10 account this fifty, 49 million three part additional.

11 MR. COOPER: Yes.

12 MS. SEGAL: Right now we're looking at the
13 total of 141. I know it doesn't mean 41 or -- depending
14 on if it's 99,000.

15 MR. COOPER: These numbers weren't meant to
16 add up. Actually, I need to talk to the RAB financial
17 subcommittee about this because my next quarterly
18 financial report will have some new ways of projecting
19 potential cost increases in the future for my planning and
20 my construction costs.

21 I had -- basically putting in an additional
22 contingency factor in my -- at the project level for those
23 costs, since it appears, based on our track record, we've
24 been underestimating them, and for financial planning
25 purposes, at least, I have to kind of plan for the worst

1 case to some degree, and so if I have a cost road for
2 planning, you know, at some rate in the past, I need to
3 start applying that to my remaining sites.

4 So I guess to nutshell is this: I think
5 I've been announcing a 17 million dollar or 19 million
6 dollar funding gap, and that could go up quite a bit if we
7 apply this data and add some contingencies to that number.

8 So stay tuned. I'll talk about that more as
9 the next quarterly report comes together. I'll talk to
10 Doug and anybody else who wants to work with me on putting
11 that particular report together.

12 MR. BERMAN: Can I ask just a quick
13 question? You brushed over the claims with the Army.

14 MR. COOPER: Mm-hmm.

15 MR. BERMAN: They still are moving up to
16 Phase III.

17 Is Pelosi's office aware of these --

18 MR. COOPER: No. Not at this time. I --
19 we haven't contacted Pelosi's office about this, so we
20 are, you know, trying to wait for the right time to talk
21 to Pelosi about maybe a -- several issues.

22 We don't want to wear her out on each little
23 thing as it starts to elevate.

24 All right.

25 FACILITATOR KERN: John --

1 MR. COOPER: That's probably enough on
2 those.

3 MR. BUDROE: Do you have any kind of
4 ballpark feel for that 141, how much of that is
5 unallowable costs?

6 MR. COOPER: How much is allowable?

7 MR. BUDROE: Unallowable.

8 MR. COOPER: Unallowable? That's another
9 good question. Right now, we -- if -- we are predicting
10 that when the money runs out, we will be just short of a
11 hundred million of allowable expenditures, and so there
12 will be some need to spend some Trust general funds to
13 bridge that gap to get us up to the hundred million.

14 So yeah. Right around -- if you want to
15 know an exact number of what we're projecting to be, yeah,
16 95 to, you know, 97, depending on how certain things turn
17 out.

18 So there could be approximately five million
19 dollars of Trust general funds, unless we find some other
20 source or unless we win our lawsuit or whatever and get
21 some big unexpected cash infusion, we may have to win
22 Trust general funds.

23 MS. NEWTON: Or the Army.

24 MR. COOPER: The Army -- yeah, mm-hmm. If
25 we win a big claim, yeah. This all assumes -- right.

1 This assumes no claims money is coming in, right. So if
2 we get a big claim in from the Army or Zurich for unknown
3 contamination or Caltrans or something like that, but I'm
4 already starting to plant the seed that we may have to --
5 on the Trust side to make our cost overrun insurance work.

6 We may have to dip into our general funds
7 which, you know, the shock waves are still there, but
8 people are hanging -- hanging in there now.

9 It was -- you know, that's what caused a lot
10 of the rocky road, but I think that they're starting to
11 get it and if we really want to make our cost overrun
12 insurance work --

13 MR. BUDROE: Actually, that's -- I
14 appreciate the answer, but that's not quite what I asked.

15 MR. COOPER: Oh.

16 MR. BUDROE: Is what you're saying then if
17 there's 95 to 97 million dollars worth of allowable costs,
18 but you're saying this is really going to be more like
19 150, because some of that's going to be taken up by
20 interest.

21 So there's going to be fifty million dollars
22 in unallowable costs?

23 MR. COOPER: This is how it works. We've
24 got 99 from the Army and we're projecting 23 million in
25 interest. So we've got 122 million to play with. Okay.

1 And I'm projecting that about 27 will be unallowable.
2 After we spend 122 million, about 27 will be unallowable,
3 which means that we'll have about 95 million. That 141 is
4 my budget, total budget that I need to spend or
5 approximately 150 or whatever.

6 Does that make sense?

7 MS. BLUM: I think it's very convenient
8 that twenty percent gap is about the same thing -- you
9 have to get up to 120 before you get your eighty or
10 whatever.

11 I mean, there's a twenty -- it's always
12 twenty percent, it seems like, that we're not going to get
13 there. We have to pay.

14 MR. COOPER: We have to pay some money out
15 of our pockets to get to the insurance where we can get
16 more money. That makes sense. That's what I'm --

17 MS. BLUM: About twenty mil.

18 MR. COOPER: We have to pay about five
19 million out of our pocket to have access to a hundred
20 million.

21 MS. BLUM: Do you have sort of an average
22 period of time from the time you submit a claim to Zurich
23 to the time that it's paid? Do you have any idea what
24 that might be on average or is there such an average?

25 MR. COOPER: Well, Zurich has paid, you

1 know, two small claims, and it was a couple -- from start
2 to finish, probably two years, but they were small claims.

3 MS. BLUM: Thank you.

4 MR. COOPER: Yes. They were about 70,000.
5 One was 70,000 check and another one was 30,000 check.

6 MS. BLUM: And the Army?

7 MR. COOPER: The Army has paid two. The
8 Army has paid a total of 58 -- it's in the notes here.
9 The Army has paid a total of 58,000 to us. They paid us
10 99 million and 58,000.

11 MS. SEGAL: Go Army.

12 MS. NEWTON: And how long did it take to
13 get that?

14 MR. COOPER: That takes about -- for the
15 58,000?

16 MS. NEWTON: Yes.

17 MR. COOPER: From start to finish on the
18 claims, about a year or so. They were pretty small. It
19 was more of a hassle wire transferring the money and stuff
20 like that.

21 That's probably enough on the notes, but
22 again I think also this thing, I did a Power Point
23 presentation. I kind of blended our discussions here a
24 little bit, but you can -- the Power Point presentation
25 was called beyond RAP 3, so how can we, you know, continue

1 our work in a more efficient way to kick these RAPs out,
2 you know, in a more timely fashion.

3 So I don't want to reiterate myself. You
4 know, a lot of these things, the slides are things that
5 I've already just talked about, but flip through these.
6 You know, you can e-mail me questions. We can talk about
7 them in more detail at the committee meeting.

8 I think there's a lot of kind of policy
9 level issues that are raised in the notes and in my Power
10 Point presentation that you guys will find interesting and
11 that you may want to engage with me on and so on, but --
12 yeah.

13 FACILITATOR KERN: I think one of the --
14 the big issues that we were trying to bring everybody
15 around the table in on this Power Point presentation was
16 we've been working on this together as a group since 1999.

17 Here we are in 2007 and we've completed
18 about six projects, something like that, and we've got
19 something like 36 or up to fifty more to do in the next
20 equivalent amount of time.

21 And so something -- we're trying to deliver
22 that message so that everybody can think differently. It
23 simply cannot take three years to do something any longer.

24 MR. COOPER: Right.

25 FACILITATOR KERN: And so there were ideas

1 thrown around the room about what's called over-the-
2 shoulder review or something where you've got a consultant
3 typing at a machine. You've got the project managers and
4 the regulators and somebody says, "Well, if I put this in
5 there, would that be good?" and they type it in and the
6 regulator says, "That's good. I like that," and you're
7 actually creating the document all together.

8 MR. COOPER: Mm-hmm.

9 FACILITATOR KERN: And hopefully instead of
10 months, years, you whittle it down to weeks and days to
11 get things done.

12 Otherwise, we simply can -- we'll run out of
13 time well before we have any chance of spending the money.

14 MR. COOPER: Exactly.

15 FACILITATOR KERN: And then we won't have
16 access to the insurance policy at all.

17 MR. COOPER: Correct, correct, yeah. I did
18 a projection of if we did RAPs 4, 5 and 6 at the same rate
19 that we did RAP 3, then we won't be -- we'll be spending
20 big time money in 2015, 16 and 17. Too late.

21 MS. NEWTON: But haven't we learned from --
22 don't you think that everything will be maybe going a
23 little bit faster in the following years based on the
24 experience that you've gained and --

25 MR. COOPER: I hope so. You know, the

1 Trust has learned a lot. Park Service and the DTSC,
2 everybody has learned a lot, but it's also the -- I think
3 we have to continue to rethink what the goals of a RAP are
4 versus the remediation design and construction, and I
5 think we were doing a lot of the design work at the RAP
6 stage, which was holding up the RAP, and that I'd like to
7 spend less time on the RAP.

8 Let's agree on remedies. We've got template
9 RAPs now as far as content requirement that everybody's
10 looking for, kind of fill -- make the RAP more fill-in-
11 the-blank and make more emphasis on the design, because
12 when you go into design, you go into construction. That's
13 the implementable document.

14 The RAP is really this regulatory, you know,
15 approval thing, and I will need -- to kind of get into
16 that new paradigm, let's make RAPs quicker and easier and
17 put more emphasis on the design to construction work.

18 It's a paradigm shift, especially the
19 regulators will have to work with us on, and we've only
20 just begun that conversation, and the next -- I want to
21 have another -- my next presentation is going to be the
22 Trust proposal on exactly how to -- how to make that work,
23 how to make RAPs quicker and easier when everybody's going
24 to feel comfortable on that so we can start -- if we
25 agreed on remedies, you know, what's the -- what's the

1 argument about here?

2 That's the -- you know, and so -- so there's
3 more work on me. I need to make the proposal, though. I
4 need to put together my thoughts on that, and I'll work
5 with Doug and Brian and so on to see if we can make that
6 happen.

7 MR. BERMAN: In terms of the Tony Landis
8 letter, does that mean that Bob is now going to be working
9 full-time, that the Presidio will be his only job?

10 MR. COOPER: That's been the case. Bob has
11 been assigned full-time to the Presidio for a couple years
12 now.

13 Devender's been working on other projects,
14 but in fact he's transferring off of one of his big
15 projects, so he'll even have more time for the Presidio
16 pretty soon.

17 MR. BERMAN: What was the purpose of the
18 Landis letter if Bob was already working full-time? Was
19 that to offer additional support?

20 MR. COOPER: I didn't --

21 MR. ULLENSVANG: I think it was to respond
22 to your letter, and I saw it as a restatement of their
23 commitment to support this project, and we have seen that
24 Bob -- seems to have more access to support people.

25 MR. BERMAN: So they -- it's not that Bob

1 wasn't getting things done in a timely way. It's that the
2 people that had to sign off above him were pushing it.

3 MR. ULLENSVANG: Because Bob relies on
4 other groups to do his work, as well. It's his own work,
5 and I think he now has better access to those folks.

6 MR. BERMAN: So that's the implication of
7 that letter?

8 MR. ULLENSVANG: That's how I read it.

9 MR. BERMAN: Okay. I misread it. I
10 thought that Bob was not assigned full-time and I read it
11 that way, but obviously that letter was not very correct.
12 There were a number of interpretations --

13 MR. ULLENSVANG: Mm-hmm.

14 MR. COOPER: -- so --

15 FACILITATOR KERN: David had a question.

16 MR. BACH: Back to what Bob was saying and
17 needing to have a priority to move forward, concentrating,
18 but expedite -- getting the job done, so to that end, I
19 highly recommend that you put together a checklist of what
20 we have learned, what has been learned and what needs to
21 be avoided, what drag factors are that need to be, you
22 know, side-stepped so that moving forward can be done in
23 an expeditious as well as a well managed way. Otherwise,
24 you're going to not meet your goals.

25 MR. COOPER: Right, right.

1 MR. BERMAN: A lot of that already has been
2 done. I think it's a really good point.

3 MR. COOPER: Some of it's just going to be
4 a philosophical change; not only on the Trust side of
5 getting it organized in a certain way, but on the DTSC
6 side, too, for them to allow RAPs to go forward with maybe
7 not as much data as they would like, and with the
8 commitment from the Trust to say, "We will get that data
9 through the design process and implementation process."
10 That's the paradigm shift I'm looking for.

11 MR. BACH: Are they aware that that is, in
12 fact, what you want to emphasize? Isn't that --

13 MR. COOPER: That's why I don't want to get
14 too much into it. I have not unveiled this to DTSC yet.
15 That's why I want to sit down with Bob and Brian and Doug,
16 for that matter.

17 It's not like I'm going to keep this from
18 Bob. I think that -- yeah. We need his -- his support on
19 this.

20 In fact, his support will be critical, you
21 know, when we present this to DTSC management. You know,
22 it would be nice if he's the first one shaking his head
23 now, our proposal -- we're in big trouble here, so --
24 anyway. Yes.

25 MS. PASSERO: I have a question going back

1 to hitting that threshold in order to trigger access to
2 the additional money. I mean, what are the -- maybe you
3 can't even think of that.

4 What are the possible scenarios that would
5 sort of foreclose that option besides the Presidio -- from
6 the general fund not having the money?

7 Do you think that there could be issues with
8 the insurance company or the -- because they take issue
9 with certain expenditures or, you know, what --

10 MR. COOPER: That's a good point. In fact,
11 we've been meeting with insurance experts on this, Marsh,
12 with our insurance broker, and they have said -- you know,
13 we asked -- I had a whole list of questions like based on
14 your experience, where have people screwed up and not
15 being able to tap in, and one thing that we are actually
16 doing very well on, and a lot of companies, believe it or
17 not, don't do quarterly reports.

18 They'll do their policy and they kind of
19 check in casually with the insurance companies here and
20 there, and when push comes to shove, they realize whoa,
21 our numbers are getting high, and that's when they'll
22 submit bills to the insurance company and it takes three,
23 four, five years or more.

24 We are arguing with Zurich every three
25 months over invoices on what's allowable and what's not

1 allowable and we have this rolling tally of allowed costs
2 and disallowed costs. So that's one thing I think that
3 we're doing right and continuing this dialogue.

4 I've let Zurich know from the beginning
5 that, you know, I think that we're going for the cost
6 overrun insurance. We're not making any secret, you know,
7 of it.

8 That has been my strategy from the
9 beginning, and I think Marsh has given us some good advice
10 on how to get ready for Zurich, who is starting to ratchet
11 up their negativity toward our invoices.

12 MS. PASSERO: Is Marsh the best expert to
13 help you on this?

14 MR. COOPER: Well, since we've already paid
15 them, all their advice is coming free now, but you're
16 right. I guess we could, you know, ask around some more.

17 They are a very well-known nationwide firm.
18 They had that scandal and I think what they're trying to
19 do is show independence coming out of that now,
20 independence from, you know, Zurich because they're -- the
21 scandal happened because they were too linked to the hip
22 and a little bit too close, and the way they put it is
23 that Zurich needs to -- Zurich gets business through them.
24 If Zurich starts treating their client bad, we are clients
25 of Marsh.

1 That's the way they see it, and if Zurich
2 starts treating their client bad, maybe they might not
3 start referring and working with Zurich on projects.

4 That's the way that they're leveraging this,
5 and so they are taking a much more active role and kind of
6 interjecting with Zurich.

7 When do you think you'll make an opinion on
8 that? They're starting to speak up just in the last six
9 months. They've actually assigned a new person to come in
10 who is much more senior level at Marsh, whereas before
11 they had kind of a staffer that was changing out every
12 three or four months.

13 Now we have a senior level person who is
14 coming to every single meeting, and we just gave my own
15 management a briefing from Marsh's perspective of our
16 insurance policies and we were able to bring in the person
17 with Marsh who was actually in the room when the policy
18 was being drafted. So he's very knowledgeable about the
19 nuances in the policy.

20 So I think in the last six months, they've
21 provided us with a lot of good advice, and, in fact,
22 they've also suggested when we do Baker Beach 1 and 2A
23 that, you know, -- well, I'll hold back on that now that I
24 think about it.

25 MS. NEWTON: Do they have a responsibility

1 or do they have a commitment to get back to you within a
2 certain period of time --

3 MR. COOPER: There is no --

4 MS. NEWTON: Nothing.

5 MR. COOPER: -- time limit requirement.

6 On the invoices, yes. They've got ninety
7 days to get back to us, but on a claim for unknown
8 contamination, there's no specific time frame.

9 MR. PASSERO: Are there cases that you
10 could look at where other entities have been in similar
11 situations and how they were able to -- maybe this is why,
12 I guess, Marsh is telling you to create a record.

13 MR. COOPER: Exactly.

14 MS. PASSERO: You sort of build this as you
15 go.

16 MR. COOPER: Right.

17 MS. PASSERO: So it kind of forces their
18 hand into it.

19 MR. COOPER: Right.

20 MS. PASSERO: By the time you reach that
21 point --

22 MR. COOPER: As you may know, Zurich can't
23 say later on "we disagree with your decision to do all
24 these clean closures." They have pre-endorsed any clean
25 closures. The clean closures at the Baker Beach landfill.

1 The Army might say, "Oh, my God, that's crazy to do."
2 Zurich has pre-endorsed those remedies. They can't say,
3 "Oh, you know what? That's a crazy remedy. We're going
4 to disallow it. Those costs as not necessary."

5 They determined that the cost overrun is
6 necessary and reasonable, but if the work is pre-endorsed,
7 our cost overrun by definition is necessary and
8 reasonable.

9 They can't come back to us for that, but
10 they are using -- they're bringing up different just in
11 the last six months different ways to try and dodge, you
12 know, and try to disallow some costs.

13 Okay. Probably enough on that. So here we
14 are.

15 FACILITATOR KERN: There is a meeting
16 already scheduled for about a month from today, April
17 12th. We're going to have a follow-up summit meeting. We
18 got that scheduled almost within two days of the previous
19 summit meeting, so that would have been about a little
20 over six weeks from then. It's about a month from now.

21 I just thought I would -- maybe you can talk
22 a little bit about what you hear from Genevieve and George
23 about where we are with how RAP 3 is going.

24 MR. COOPER: Mm-hmm.

25 FACILITATOR KERN: And then you can talk a

1 little bit about some of the meetings that we'll need to
2 be going to.

3 MR. COOPER: Genevieve has been spending
4 the last two days in Petaluma at MacTech's office working
5 on final edits with the project manager on MapTech on RAP
6 3.

7 Bob and -- at the meeting today we had with
8 Genevieve on conference call because they've actually
9 started going into production. There's an issue
10 associated with how to address the surface water seeps at
11 two of the sites that Bob had commented on in the third
12 interim deliverable and we were trying to find the right
13 way to monitor and to interpret that seep data and to
14 apply which type of cleanup levels would be most
15 appropriate, and we've reached a decision because we had
16 to, and we always like some more data and some better data
17 and some input from an eco risk assessor and, you know
18 what? We were out of time.

19 So we made a decision, and it was a little
20 conservative, but I think we have some -- we'll get some
21 language in the RAP, you know, to analyze that data down
22 the road if it ends up being overly conservative.

23 If you go with a conservative decision, it's
24 easier for the regulators to say yes and keep things
25 going. That's basically what we did, right, Brian?

1 MR. ULLENSVANG: Mm-hmm.

2 MR. COOPER: So I know of no other
3 technical issues that's holding up the final writing.
4 Genevieve is going to actually type up the resolution of
5 that seep water technical issue.

6 It's only going to take -- what was genius
7 about this is since we took a very conservative approach,
8 we're only going to need a couple sentences added to it.
9 So it's not going to be a whole rewrite of a section or
10 anything like that.

11 FACILITATOR KERN: Where are we in the
12 process of then getting it to DTSC?

13 MR. COOPER: Right. I have my schedule
14 here, and we had promised to get it to -- well, we
15 originally promised was May 5th -- March 5th. We changed
16 it to March 19th. We are going to keep it to that.

17 It's going to be in DTSC's hands March 19th,
18 which is next week Monday. So that's why they got to
19 start -- we're going to start photocopying very soon.

20 MR. BACH: What's turnaround time?

21 MR. COOPER: So for DTSC, they have -- Bob,
22 we've been talking to Bob today. He's been working on
23 the, you know -- the Trust sent the CEQA initial study to
24 him about two weeks ago, I believe -- yeah. I think
25 that's what we sent out, something like that.

1 So he's been making his edits and changes.
2 That's what he might be actually doing right now, because
3 our meeting, the monthly meeting kind of ended early. He
4 had a memory stick in his laptop in his car. He was going
5 to go work on it some more.

6 He anticipated getting it out next week.

7 MR. ULLENSVANG: I think so.

8 MR. COOPER: He's been in contact with this
9 group in Sacramento, the CEQA group to find a particular
10 staffer. He said he did not get a warm fuzzy on that
11 particular issue. That's my memory of his statement on
12 that, but he's going to, you know, try to keep at it.

13 At the summit 3, as you know, we talked to
14 DTSC a lot about that particular point.

15 FACILITATOR KERN: Yeah. If the staffer
16 does not have a warm fuzzy, we'll be in a position to call
17 Tony Landis and Dan Murphy and say, "Get this person to
18 get a warm fuzzy" --

19 MR. COOPER: Right.

20 FACILITATOR KERN: -- because we don't have
21 time to wait two months for them to be okay about it.

22 I mean, we basically need it to kind of get
23 elevated.

24 MR. COOPER: Right.

25 FACILITATOR KERN: So --

1 MR. COOPER: So to answer your question, we
2 give the document to DTSC on the 19th. Bob finishes by
3 the 22nd of March. It is then in Sacramento in this CEQA
4 group's hands and they have until April 11th to give the
5 clearance to do -- you know, clearance on it, final little
6 edits and things to get it out the door, because as I
7 said, I think we're shooting for an April 24th start date
8 and a public comment period.

9 So once it finishes the Sacramento group,
10 we've gotten final clearance from them, then we make
11 copies and send out the proposed plan and then we can
12 start a public comment period.

13 So that's why it's going to be -- so it
14 looks like we're meeting our -- you know, the Trust is
15 meeting its deadline, Bob is meeting his deadline to get
16 it over to this CEQA group.

17 That's the part that we're going to be most
18 nervous about, that they -- they have until April 11th.

19 FACILITATOR KERN: This would be a good way
20 to transition into what our role is, and one of the first
21 things that's happening is in probably the second week of
22 April, first/second week is people for the Presidio
23 meeting, Amy Meyers, former Presidio Trust board member
24 has this ongoing meeting. There's a lot of environmental
25 groups, community groups, civic groups meet there.

1 We're also going to try to meet individually
2 with some of the neighborhood groups. Whether that's
3 Neighborhood Association for the Presidio Planning or
4 Planning Association for the Richmond, we're going to try
5 to get some clear calendars for those early weeks in
6 April.

7 So at the summit meeting, Dan Murphy came up
8 to me and said, "Oh, so, you're going to -- and Mark, so
9 you guys are going to get all the public lined up, right?
10 And you're going to speak for all of the public?" and we
11 said -- well, of course, and so he meant that jokingly,
12 but everybody's got a lot of pressure on them, obviously,
13 to get this going.

14 And so our plan has always been to get all
15 this information out to all of us as soon as we can so
16 that if you're going to other meetings, you can be letting
17 people know that there is this plan, Remedial Action Plan
18 3, and it will be coming out in mid April.

19 There's going to be a public comment period,
20 and then if you are aware of all the sites and the
21 remedies, if you can talk about those, then that will help
22 people more readily understand what this big package of
23 remedies is.

24 And my guess was -- if I had to guess, I
25 would say that would be about ten to twelve million

1 dollars in remedies, something like that, on that order.

2 So --

3 MR. COOPER: About right.

4 FACILITATOR KERN: So it's a fair amount of
5 money to be spent, and maybe we could transition to --

6 MR. COOPER: Mm-hmm.

7 FACILITATOR KERN: Craig has prepared a --

8 MR. COOPER: I have a draft handout and
9 it's got -- still needs some work, as you'll see. I
10 was --

11 FACILITATOR KERN: This would be the
12 handout that he would give --

13 MR. COOPER: Correct.

14 FACILITATOR KERN: -- at public meetings.
15 Public for the Presidio, NAPP, Park, and those folks will
16 be asking him and all of us the tough questions that are
17 there.

18 So this is another opportunity for this
19 group; not only inform yourself, but to ask the same tough
20 questions that you want to know about this stuff.

21 MR. COOPER: Okay. So there's a couple of
22 corrections. When everybody gets their copies, I hit the
23 print button a little prematurely there, so I just want to
24 clarify something in the table real fast.

25 Okay. So -- you can share. At the

1 committee meeting, I handed out an eight and a half by
2 eleven table with map on top. So before we talk about the
3 table, so -- my handouts are going to consist of two
4 things. A map that will show all the sites on a -- on the
5 Presidio.

6 MS. NEWTON: With arrows.

7 MR. COOPER: We decided we're going to use
8 stars, and I don't have that yet, but I'm in the process
9 of working with the graphics people. We're going to get
10 rid of those circles, because we have circles of different
11 sizes and it was going to -- we're just going to have a
12 star one size for each location.

13 MS. NEWTON: On here? You're going to put
14 volume surface area --

15 MR. COOPER: Correct. Obviously I haven't
16 filled in that column yet, but that was a suggestion from
17 you guys that we put volume or surface area addressed in
18 that, so I'll have some units for that.

19 Also -- okay. So I'm going to have the map
20 and then this handout, and then the handout, I -- each of
21 the -- you asked me to reorganize these sites by remedy
22 type, and remember that? And notice where it says:
23 "recommended." I stopped -- for some reason, I didn't
24 notice it, but it got deleted out of the table.

25 So for this first group in bold, it will

1 say: "Recommended site remedy: Excavation, okay," and
2 then here's all of our excavation sites, and when you get
3 to page 2 -- and I'll make sure that the column headers
4 carry over for the second page.

5 See where you have graded area 9? Just
6 above that, I've left a space. In bold there, I'll say:
7 "Recommended site remedy, cover in place," and then
8 there's another gap underneath graded area 9 where I'll
9 write in "recommended site remedy, administrative land use
10 controls."

11 And so -- sorry about that. It disappeared
12 on me, and I hit print and it was time to go.

13 So then -- then I was thinking -- in a
14 totally separate table. I want to get your advice on
15 this. We also talked about adding the new further action
16 sites.

17 I think that you guys said I should do that,
18 and notice that I took them off at the last minute because
19 I think it needs to be a separate handout, because if I
20 put them on -- I was thinking that the fifth category
21 would be recommended remedy, no further action, but there
22 are no contaminants -- I could add it to this table and
23 keep it going, but it would just have site name and site
24 description, and then -- because there are no contaminants
25 in soil. There's no contaminants in water. There's no

1 volume addressed and there's no cost.

2 MS. NEWTON: It doesn't fit with the rest
3 of your format. I think it would be better to have a
4 separate handout. I think the best idea to make sure
5 people knew what had been accomplished.

6 MR. COOPER: We were going to use a symbol
7 on the map.

8 FACILITATOR KERN: It looks fine.

9 MR. COOPER: I think that would probably be
10 the best way to go.

11 MS. MONAGHAN: My note says that there were
12 ten sites that need no further action.

13 MR. COOPER: And just say that.

14 MR. BACH: Somewhere in the documentation
15 it lists how many sites, and if those sites aren't on the
16 spreadsheet, people are going to be, "What's going on with
17 these sites?"

18 MR. COOPER: We talked about all the sites
19 and this only had eighteen.

20 MR. BACH: That's what my notes say, too,
21 Jan.

22 MS. MONAGHAN: I don't think you have to
23 list ten places that you don't need to clean up.

24 MR. BACH: But you should cover those sites
25 so they're not vacant.

1 MS. NEWTON: Change the 28 to whatever it
2 is.

3 MR. COOPER: Well, we could leave this as
4 28, because that's what the name of the document is. It
5 says: "28 sites."

6 What we could do at the very end is -- so
7 this way it will fit on two pages, too. It we could say:
8 "Recommended site remedy, no further action, ten sites."

9 MS. PASSERO: Or do a footnote or
10 something.

11 MS. CHEEVER: Do these sites have very
12 short names, Building 68 or something, no further action?

13 MR. COOPER: They're like the site names
14 for these here.

15 MS. CHEEVER: There are people that say,
16 "Why are we spending any money for this at all?"

17 List them briefly, maybe in a running text,
18 to show that there are places where we're not spending
19 money.

20 MR. COOPER: Okay.

21 MS. CHEEVER: We don't have to do any
22 further explanation than Building 471, whatever it is.

23 MR. COOPER: Site names.

24 MS. CHEEVER: It does prove that there are
25 actually ten substantial places that we looked at where

1 there isn't any further action.

2 MS. NEWTON: Is that because there was no
3 money spent at all?

4 FACILITATOR KERN: There was plenty of
5 money investigating.

6 MR. COOPER: That's the thing. None of
7 these costs report any of our planning costs. This is
8 just our design and construction. Okay. Hold on. So
9 which will's use a closed star equals --

10 MS. MONAGHAN: There was no data exceeded
11 cleanup levels. We worked on that.

12 MR. COOPER: Yeah.

13 MR. BUDROE: Craig, I have a suggestion on
14 the cost.

15 MR. COOPER: Yeah. That's the next column
16 we'll talk about. It's busy.

17 MR. BUDROE: Yeah. I would suggest just
18 putting a total cost for each -- each site rather than
19 breaking down into capital and total annual.

20 I mean, that will actually have the -- would
21 have the additional --

22 MR. COOPER: Just have the present work
23 only?

24 MR. BUDROE: Right. Because people are
25 going to get confused by the way that is right there.

1 MR. COOPER: Mm-hmm.

2 MS. NEWTON: Put what's left to spend or
3 what has been spent?

4 MS. BLUM: Just leave the number and don't
5 put in any verbiage.

6 MR. BUDROE: Yeah. That would have the
7 additional virtue of you should reclaim some spreadsheet
8 space.

9 MR. BERMAN: Actually, I'm looking at that.
10 I found that quite interesting, and it's a piece of
11 information that says that -- it's a useful piece of
12 information because it says: "Investigation. Some" --
13 only required and an addition capital costs and some sites
14 require maintenance.

15 So it's quite revealing and the analysis --
16 the efforts that went into deciding what to do, look at
17 whether maintenance was involved. And so -- and there's
18 no information here.

19 Other than that, when you see that, you
20 recognize that that's involved, and so, you know -- I
21 mean, this is what's going to go to the public, okay, and
22 so I think the more that shows that thorough investigation
23 has been done and that sometimes there's maintenance costs
24 and sometimes there's not.

25 The more it shows the public that is real

1 effort that has gone into somehow making these numbers
2 realistic.

3 MR. BUDROE: Yeah, but --

4 MS. SEGAL: But it doesn't show that. It
5 doesn't show the planning costs.

6 MR. BERMAN: Design and construction, but
7 when it shows the -- the present worth and it's not the
8 same as the -- as the design and construction and shows
9 that there's maintenance involved, then the present work
10 calculation's been done.

11 So it shows that some sites require
12 monitoring. Some do not. So there is definite real
13 information there that looks like from the public's point
14 of view -- I mean, I'm part of the public. It looks like
15 a better job was done.

16 You segregated those sites that needed
17 maintenance. Otherwise, there's no information on here
18 about that at all.

19 MR. BUDROE: Except that for 99.999 percent
20 of the people that are going to look at this, they're not
21 going to want to drill down to that kind of depth with
22 this stuff.

23 I mean, this is what you're doing with this
24 is you're trying to sell this to the community.

25 MR. BACH: Very simple.

1 MR. BUDROE: If you make it too
2 complicated, you're only going to confuse people and
3 you're liable to get the reverse effect of what --

4 MR. BACH: Present worth. What's present
5 worth? Is it money? What's --

6 MR. BERMAN: You don't have to use that
7 language. You can say total cost including future
8 maintenance.

9 MR. CHESTER: Define what those words mean
10 above on the page.

11 MS. CHEEVER: Is it possible to keep those
12 three things, but with different words? For instance,
13 capital costs, capital costs, do we have to spend capital
14 costs or remediation costs? Instead of "total annual
15 costs," you could say: "Annual costs" plural, and instead
16 of "present worth," you could say: "Total costs."

17 MR. ULLENSVANG: Annual costs, it isn't the
18 annual costs. That's one of my comments. That's the
19 annual aggregate costs. It's not even present worth.

20 It's kind of a summation, and then it's
21 factored into the present word. So it's -- and it does
22 that. So it's a little bit weird to way it's been
23 presented here, and one comment on this.

24 MR. COOPER: It's the present worth of our
25 annual costs.

1 MR. ULLENSVANG: It's going to have to
2 match what the state is going to require of the proposed
3 plan. This table ideally would be the proposed plan so
4 that you don't get slightly different numbers depending on
5 which table you get.

6 It needs to have some -- so someone doesn't
7 get confused, why did I get one thing in the mail and
8 another thing at the meeting?

9 MR. COOPER: I did pull this from the draft
10 proposal.

11 MR. ULLENSVANG: As we talk about changing
12 this.

13 MR. COOPER: As we edit the proposed plan.

14 MR. ULLENSVANG: Bob will have comments
15 that will ripple into this, as well.

16 MR. COOPER: Right.

17 MS. CHEEVER: Instead of total annual
18 costs, would it be future dollar costs?

19 MR. COOPER: Total future costs. All the
20 costs are in the future.

21 MR. BACH: Ongoing.

22 MR. ULLENSVANG: You can keep it future
23 maintenance and monitoring costs.

24 FACILITATOR KERN: I think I asked to have
25 the costs column because I know lots of people will want

1 to know.

2 MR. COOPER: Yeah.

3 FACILITATOR KERN: They don't want to know
4 is this, you know, down to the penny or the dollar or
5 anything. They want to know is it a million? Is it
6 20,000?

7 They want to know that general amount, and
8 then they want to be able to glance down the numbers, oh,
9 there's two sites that -- one's six million, one's three
10 million and the rest are like \$200,000 sites.

11 Look at that quickly and then see a total
12 and -- so I appreciate Sam's comment about the detail, but
13 I would just have that detail in my back pocket for the
14 meeting to be able to talk -- you know, talk in a great
15 level of detail. Have a handout ready if somebody wants
16 that detail, but I would just keep it to -- my personal
17 opinion is one number kind of even rounded so people can
18 get quick access to generally that site is a \$250,000 --
19 just the -- you know, that's to even help them key in
20 should I even ask a question?

21 If it's a \$20,000 site, I don't even care
22 about it, practically, compared to -- you know, they're
23 going to ask you a lot of questions when they see this.
24 Baker Beach site's going to cost six million. What are we
25 doing? Why do we need to do it? Why are we spending so

1 much money, all that kind of stuff? Yes.

2 MS. PASSERO: I'm just kind of curious.

3 How do you -- what's the format of the meeting? Do you do
4 a presentation generally in the beginning so you kind of
5 talk about this?

6 MR. COOPER: At these groups?

7 MS. NEWTON: You've got your map and you're
8 going to have some kind of a handout.

9 MR. COOPER: So first I'll go to the map,
10 and then what I'll say -- I'm not going to go site by
11 site. I'm going to probably go by category by category.

12 MS. PASSERO: Mm-hmm.

13 MR. COOPER: Because there's five
14 categories. There's the excavation site, there's cover
15 site. There's the land use site. There's the no further
16 action site.

17 I'll try to summarize in general what
18 excavation work comprises and the same thing with the
19 cover, and then just kind of talk about it in summary
20 form.

21 I'm not going to go site by site, except
22 that when I talk about the excavation sites, perhaps in my
23 summary, I probably will highlight Baker Beach 1 and 2A
24 since they're going to be the most highly visible sites
25 even though we've got a whole -- special outreach plan

1 just for the construction work on those two sites, but it
2 can't hurt at least making sure that, you know, folks know
3 that that's going to be a big deal when we start work on
4 those.

5 So -- because I'm only expecting fifteen
6 minutes here.

7 MS. PASSERO: Fifteen minutes for an
8 overview and --

9 MS. NEWTON: And then they ask their
10 questions?

11 MR. COOPER: I'm expecting ten -- seven to
12 ten minutes for my presentation and then seven to eight
13 minutes for the -- yeah. I don't think people -- in my
14 previous ones, maybe I went -- well, I know at Cow Hollow,
15 we talked about it for a long time, but they had a lot of
16 free agenda time, but I think these groups in general are
17 not expecting a 45 minute session on this.

18 They're expecting -- you know, our goal's
19 fifteen. It's up to them if they want to let it slide to
20 twenty and 25. That will happen only because of Q and A.
21 I'm going to try to keep my presentation to ten minutes.

22 MS. PASSERO: It seems like our
23 presentation will be geared -- maybe we can talk about it,
24 too. You can steer your presentation in such a way to
25 steer the course of questions that will follow, too, and

1 if there's certain important points that the public should
2 really elaborate on or ask questions on, then your
3 presentation should be geared toward that and have less
4 emphasis on more minor points.

5 Certain key issues are most important than,
6 you know -- the presentation can hit those high points and
7 then, you know --

8 MS. NEWTON: What do you think will key the
9 public interest most? Will it be the cost?

10 MR. ULLENSVANG: What will key your
11 interest the most? All of you are --

12 MS. NEWTON: I'd probably look at that and
13 go, "Wow, what's costing 5.5 million bucks? What are you
14 doing out there?"

15 MR. BACH: If you look to the left, one of
16 the things that's not on here are the volume. Some of
17 these larger costs compared to the weights, you know --
18 the volume and the size is going to be relevant, and we
19 don't have that information in front of us here, but
20 certainly as the public perspective, that will be
21 relevant.

22 MS. NEWTON: We will have.

23 MR. BACH: Right.

24 MS. NEWTON: But a lot of it, too, has to
25 do with the -- the route that you've been forced to take

1 to get these projects done. You know, the -- all the --
2 the hoops you had to go through for the CERCLA stuff.

3 I think that's important, and I think I
4 would be -- I would really want to be prepared to go sort
5 of that's your defense is --

6 MR. ULLENSVANG: Those costs aren't in
7 here.

8 MR. COOPER: Yeah. The planning costs are
9 not in here. So kind of getting back to Doug's point, I
10 am tilting for a single number for costs.

11 That is my recommendation, but it's -- it's
12 up to you guys.

13 MS. PASSERO: It seems like if you're
14 talking, you could probably hit on Sam's point, too,
15 letting people know that it's the kind of analysis --
16 eventually you can use -- if you think most of the
17 questions revolve around Baker Beach site, those can be
18 sort of your case studies in explaining a lot of these
19 issues and also then fielding a lot of questions that will
20 likely come up around these.

21 FACILITATOR KERN: Devender.

22 MR. NARALA: The contaminants in water,
23 would you like to clarify that? It is groundwater,
24 because there could be questions like what is the Baker
25 Bar? And the ocean is right there.

1 MR. COOPER: Oh, it's in the ocean.

2 MR. NARALA: Are you telling me there's
3 mercury in this ocean? Can I fish? Can I swim? It can
4 go off on a tangent.

5 MR. COOPER: In groundwater or surface. In
6 some cases, surface water.

7 MR. NARALA: Be very specific because we
8 don't want to lead the general public to the ocean.
9 That's when everybody really --

10 MS. NEWTON: Won't they ask those questions
11 if they're concerned about it?

12 MR. NARALA: If you leave it as water, they
13 will ask. If you say specifically in groundwater, then we
14 will be away from this -- the majority of people will be
15 worried about the ocean.

16 MS. NEWTON: The old one says groundwater.
17 The new one doesn't.

18 MR. COOPER: I just put water.

19 MS. NEWTON: My old one.

20 MR. ULLENSVANG: In some cases, it's
21 surface water at the site. Groundwater alone wouldn't be
22 enough.

23 MR. COOPER: But it's coming out of the
24 ground.

25 MR. ULLENSVANG: You can call it in water

1 at the site or site waters.

2 MR. NARALA: But my point is let's not --

3 MS. NEWTON: Call it localized
4 contamination.

5 MR. NARALA: Whatever, but the mistake
6 shouldn't be --

7 MS. NEWTON: They'll probably bring it up
8 and I don't think they'll walk away --

9 MR. CHESTER: The groundwater's not
10 impacting the ocean. That's been established, so maybe
11 you say not ocean. Just have that in your mind when
12 you're giving the presentation, but in our -- I've been to
13 a lot of remediation type meetings in the City about
14 different projects, and the people in the public can
15 comment.

16 From somebody who's worked at City
17 contaminated sites, they always focus on the health issues
18 and the risk around what you're cleaning up.

19 I think the dollar figures do stand out, but
20 being prepared for -- am I safe if I go back to the site
21 when it's done and having that kind of information about
22 the level of -- of cleanup and relative risk after it's
23 done, that remains or if there is any.

24 I don't know about this audience in the
25 Presidio, though, if they're more focused about money

1 or -- I know in the Hunters Point Shipyard, it's all about
2 am I -- are you cleaning it up? Are you leaving it here
3 for me to be exposed? And that tends to --

4 MS. NEWTON: That's a good thing. We hope
5 that that's what people are concerned about because we are
6 doing the right thing in that respect.

7 MR. COOPER: Mm-hmm.

8 MS. NEWTON: That's the reason why it's
9 gotten to the scope it has, right?

10 MR. COOPER: Mm-hmm.

11 FACILITATOR KERN: Sara.

12 MS. SEGAL: I have a question that Sam sort
13 of inspired this brain cell. In terms of the total annual
14 cost, which would be either maintenance or operation or OM
15 cost, in the -- in the -- if we have one number, which is
16 probably going to be simpler for the public, but in the
17 bulk of the RAP, for example, on the PCB storage area, the
18 last one, you know, which is going to be a land use
19 controls, but if it only costs, you know -- obviously the
20 PCBs go away and the toxic waste site, what costs -- why
21 are the OM costs like seven times in terms of
22 administrative land use controls? Why are they seven
23 times what it costs taking away the transformers?

24 MR. ULLENSVANG: This isn't a -- this is a
25 land use control, so the contamination remains in place.

1 The last three sentences.

2 MS. SEGAL: So what's costing \$71,000?

3 MR. COOPER: We have to write an annual
4 report.

5 MS. SEGAL: Is it testing, monitoring well?

6 MR. COOPER: No. It's just a letter.

7 MR. ULLENSVANG: Site reconnaissance that
8 we have to do to make sure the site has its integrity.

9 MR. BACH: I want one of those letters.

10 MS. SEGAL: Yeah.

11 MS. BLUM: That's a lot of money.

12 MR. COOPER: That is thirty years' worth of
13 letters.

14 MS. SEGAL: Is it thirty years or twenty
15 years?

16 MR. COOPER: Thirty.

17 MS. SEGAL: Okay. Anyhow, just Sam raises
18 an interesting --

19 MR. BERMAN: I -- I think you got to just
20 make a choice here that's reasonable, but I was just
21 wondering when you -- when you deal with Zurich, they set
22 present value costs.

23 I think that they're not out laid -- they're
24 not actually out laid, and so I wonder what the fine print
25 says about that kind of cost.

1 MR. COOPER: In our cost overrun insurance?

2 MR. BERMAN: Yeah.

3 MR. COOPER: If an invoice is paid, we got
4 to do these front out costs. We got to spend the money.
5 I can't say, "Oh, I'm at 85 million and now it's 2014, but
6 I've got another fifteen to go fifty to go." They're
7 going to say, "Sorry."

8 MR. BERMAN: That's a different issue. You
9 may have the site completed with the capital costs
10 completed, completed by the 2014 date, but a certain
11 amount of money for another thing.

12 MR. COOPER: Not allowed.

13 MR. BERMAN: That's an outlay which is not
14 considered as part of the costs yet, but in terms of the
15 Presidio Trust budget, you have to include the present
16 value and you're charging it, so you have negotiated an
17 insurance policy that -- that -- on the basis of only
18 capital outlays where your budget exactly has present
19 value in it.

20 MR. COOPER: Mm-hmm.

21 MR. BERMAN: It seems to me like it's an
22 accounting blunder.

23 MR. COOPER: Right. So not only do we have
24 to -- to spend, you know -- let's say there was ten
25 million for -- back in 1999 for long-term costs. We have

1 to blow past that in capital expenditures.

2 You know what I mean? Yeah, so -- for this
3 to work out.

4 FACILITATOR KERN: Effectively they have to
5 have an annuity. They have to set aside a chunk of money
6 to create a cash flow into the future.

7 MR. BERMAN: I know, but that's not an
8 allowed cost. I'm just saying it seems to me that -- in
9 retrospect, this is just a straightforward accounting
10 blunder. I would shoot the accountants that did this.

11 MR. ULLENSVANG: I would look at it more as
12 the way the negotiations went.

13 MS. NEWTON: It's the type of policy.

14 MR. BERMAN: It wasn't a blunder on
15 Zurich's part.

16 FACILITATOR KERN: A couple of questions
17 here. Gloria.

18 MS. GEE: I was just wondering, also
19 picking on Sam's point, like I know everyone's leaning
20 towards just having one number under the cost column,
21 okay, and I was thinking that it might be useful that you
22 could have -- call it an asterisk or a footnote for those
23 sites -- I call them the running costs, the annual costs.

24 MR. COOPER: Mm-hmm.

25 MS. GEE: And then at the bottom, you can

1 say that the little asterisk, whatever, the total running
2 cost is over a million. It -- so it comes up to over a
3 million.

4 MR. ULLENSVANG: Mm-hmm.

5 MS. GEE: That might be informative.
6 They'll just highlight those sites that have that, but you
7 don't have to put down the running costs, but at the
8 bottom, you can put a little note, in these site of 28,
9 the total running cost is over 1.1 million or something.

10 MS. SEGAL: For thirty years.

11 MR. COOPER: Oh, mm-hmm.

12 MS. GEE: That would be meaningful, I
13 think.

14 MR. COOPER: At least we gave people an
15 idea. Of this total amount, so much is for running --

16 MR. ULLENSVANG: Future.

17 MR. COOPER: -- O&M.

18 MS. GEE: Accurate sites that have that
19 cost element.

20 MR. COOPER: Another thing at the very,
21 very bottom of a total, so no one has to get out their
22 hand calculators and add up all the numbers. That's the
23 number that I footnote includes X amount of O&M costs.
24 There we go. That's the way to handle it.

25 MS. SEGAL: I'd put the time frame. Maybe

1 not.

2 FACILITATOR KERN: John.

3 MR. BUDROE: One thing I have is whether or
4 not you can wind up writing a long-term contract for those
5 annual costs. In other words, it's kind of unusual.

6 MR. COOPER: The insurance issue again?

7 MR. BUDROE: Right. You don't usually
8 front load. We'll pay you now and then over a certain
9 period of time. That would get you your invoices in under
10 the line for the insurance deadline.

11 FACILITATOR KERN: It might -- you might
12 get a great discount by -- because you're giving them a
13 chunk of cash.

14 MS. SEGAL: Just like Zurich got.

15 MR. BUDROE: Up front.

16 MR. BACH: Unless you're real accurate.
17 You gave them a figure and something came up down the road
18 or later on. Unless you've got something to back up on.

19 MR. BUDROE: You got to write the contract
20 carefully. You got to make it bullet proof.

21 MR. BERMAN: I think it's a brilliant idea,
22 but I guarantee you that Zurich will reject it.

23 MR. BUDROE: Maybe. They've got their
24 lawyers, too.

25 MS. BLUM: You tried.

1 MR. COOPER: That type of creative thinking
2 is what we need.

3 MS. BLUM: That's right.

4 MR. BUDROE: With regards to this handout,
5 the two things that people are going to be interested at
6 the meeting I suspect are number one, how is this going to
7 affect me while it's going on; and number two, how's this
8 going to change for the better or for worse what it is
9 that we use in the Presidio?

10 So really that's what this handout -- if you
11 want to boil it down to that's where you want to go with
12 this.

13 MS. NEWTON: Probably from the experience
14 that you guys have had before with neighborhood groups.
15 That's what they care about.

16 MR. COOPER: Traffic, construction noise.
17 That's why I have to save time for that piece.

18 MR. BUDROE: That's why you want to make
19 this not too dense, because the denser you make it, the
20 more questions people are going to have just because they
21 don't understand it, the more chance you have for the
22 trains coming off the tracks at these meetings. Crime.

23 MS. KRAMER: Does that mean that you would
24 want another column for impacts and have road closure, six
25 weeks?

1 MR. BUDROE: Not necessarily. I would not
2 go into too much detail about all the facts and figures
3 and be prepared if somebody asks a question like that, as
4 Doug said have it in your back pocket what's that going to
5 do, but I wouldn't necessarily cram it into this handout,
6 because the easier you make this, the more chance you have
7 of somebody going off on some detail in there.

8 MS. PASSERO: Could you just have a handout
9 on some sort of the anticipated questions, have like a Q
10 and A sheet where --

11 MS. NEWTON: Like a cheat sheet or --

12 MS. PASSERO: Just a handout.

13 MR. YOUNGKIN: Common questions.

14 MS. PASSERO: If they anticipate what can
15 you anticipate about road closures.

16 MR. YOUNGKIN: Frequently asked questions?

17 MS. PASSERO: Yeah.

18 MS. BLUM: I think folks are probably going
19 to pick up on your point how is this going to be -- to
20 affect hiking. Is that the public area? That is what the
21 public uses now. How much of this will be -- how much of
22 this area will I be prevented from using in the future?

23 People always want to know that because as
24 soon as it's remediated, we put up the fences to keep
25 people out of the area. How will my use be affected once

1 it's done?

2 FACILITATOR KERN: Sara, then --

3 MS. SEGAL: Also, on page 2 of 7, Craig
4 wrote that the State Historic Preservation Office had
5 comments in the past, and I think that the Audubon Society
6 and the native plants people, they will have to be on
7 board on any of these items that affect them, too.

8 I don't think the SHIPO has a chance to give
9 comments on the RAP, but the -- I've forgotten what the
10 Fort Point -- I know they come to the meetings, but I've
11 forgotten what their issue was.

12 MR. COOPER: Cultural landscape. Are we
13 altering the cultural -- they focus on that. Are we
14 turning it away from Army heritage type issues.

15 So I actually spoke to Raj Borges, who is
16 our federal preservation officer at the Presidio Trust
17 who's in contact with the Fort Point people on a very
18 regular basis and he arranged for us to have lunch, and we
19 had a lunch.

20 So I met these folks from Fort Point. We
21 didn't talk about the little problem we had over at the
22 fill site 6A project. That was three years ago.

23 No reason to bring that up, and they
24 actually asked for this, because they -- you know, our
25 NEPA review and NHPA, they get copied on -- when a project

1 goes to the Trust internal, you know, NEPA review and
2 National Historic Preservation Act review, they find out
3 about it, send an e-mail to Raj Borges, oh, oh, oh, here
4 comes some remediation problems. We don't want to repeat
5 fill site 6A again.

6 So Rick then contacted me and said, "Hey,
7 what do you say, you know, we have lunch and you kind of
8 walk" -- I had a little map. I think this is all I
9 brought was a map like this and I just walked through each
10 of the sites, and they were -- they said, "Okay, all
11 right. That sounds okay."

12 MS. SEGAL: Thank you.

13 MR. COOPER: I'm optimistic that we will
14 not get comments from Fort Point this time.

15 FACILITATOR KERN: David.

16 MR. BACH: Back up to kind of comments and
17 questions, as well. Is your intention to create a thumb
18 print of basic information for general public questions?
19 Because I don't think you're going to one hundred percent
20 complete it, number one.

21 MR. COOPER: No. That's almost impossible
22 to do.

23 MR. BACH: Right.

24 MR. COOPER: I'm trying to provide -- the
25 goal of this is I'm providing a summary of information.

1 I'm going to be providing at my May 8th public meeting.

2 I'm providing a nut -- a nutshell or summary of that
3 information in advance to folks.

4 So they're not getting anything or better or
5 special or anything. It's the same information that the
6 general public's going to hear on May 8th, but I'm doing
7 early outreach on these topics in advance.

8 MR. BACH: Mm-hmm.

9 MR. COOPER: So it's to provide that basic,
10 you know, information about the sites, telling them about
11 the public comment -- public comment period, that there
12 will be a public meeting about this on May 8th or whatever
13 date we officially land on, but it's not -- you know, and
14 then hopefully the goal is then that they feel so informed
15 that when we get the invitation to come to the May 8th
16 meeting, "oh, wait. I already heard about that and I
17 don't need to go."

18 So I have to present basic information and
19 then I think that it is a good idea -- and I think I did
20 this before -- is come up -- integrate when I talk
21 about -- you know, like I said, I'm going to talk about
22 the sites and groups excavation work and then say
23 excavation work, just summarize. We use excavators.
24 There could be localized road closures next to sites.

25 As I talk about basic information, I

1 integrate in what would be considered some directly asked
2 questions at that time, but I can't -- you know, I want to
3 keep my presentation to ten minutes, and put --

4 MR. BACH: So basically what you're trying
5 to come up with in terms of synopsis is sites, size, cost,
6 impact, impact on humans and impact on nature --

7 MR. COOPER: Mm-hmm.

8 MR. BACH: -- and maybe just a brief kind
9 of like description of the site that would identify its
10 previous occupants or use in relation to the necessary --
11 or the necessity of cleanup.

12 MR. COOPER: Right.

13 MS. NEWTON: More than what's on here?

14 MR. BACH: I just think that the general
15 public is really not going to need into anything more
16 than, I know, the site, because we're talking about the --
17 the -- this particular round, you know, getting it
18 approved. The size of the site, because that's going to
19 distinguish one location from another as well as, you
20 know, the cost.

21 The cost of the site because that's where
22 the moneys are being spent, and once people understand
23 that the cost's not really coming out of their pocket.
24 It's coming from the government. That's not too much.

25 As Jan said, how does that impact their use

1 or lack of use, and a lot of people are going to be very
2 concerned and want to know about the impacts that the
3 cleanup is going to have on nature and ultimately what's
4 going to be left behind in terms of, you know, natural
5 species, habitats and refurbishing. I think that's about
6 it.

7 MR. COOPER: Right. So some of that --
8 those -- that information is on the table and others is
9 best to go to visualize.

10 I'm going to use this one to discuss -- it
11 provides a description, even though it's very similar for
12 our cleanup, and then the other one is -- even though the
13 color on this didn't turn out very well, I'm a little
14 disappointed, because people are going to wonder -- see,
15 it's kind of a symphony of gray here. I don't know --
16 it's Baker Beach 3.

17 MS. BLUM: That's beautiful.

18 MR. COOPER: So this is a completed, you
19 know, landfill site along the Baker Beach bluffs. So this
20 is what you guys recommended that we show, you know --

21 MR. BERMAN: Do you have a before with
22 that, also?

23 MR. COOPER: We have a before.

24 MS. SEGAL: Because you don't have that
25 vista.

1 MR. COOPER: That's the tricky part. It's
2 a dramatic change because there's no valley there.

3 MS. SEGAL: Right.

4 MR. COOPER: But it doesn't look horrible
5 before. It's green. There's a clump of trees. There's
6 not like there are these drums sticking out of the ground
7 and --

8 MS. SEGAL: Okay.

9 MR. COOPER: Very vegetated and green.

10 MR. BUDROE: Photoshop.

11 MR. BERMAN: That's a very powerful point.
12 The distortion is very little of what it was before, and
13 the only thing you've done the remove the contaminants and
14 done a minimal amount of distortion. It's really a very
15 strong point to say that you're not really changing the
16 landscape.

17 I think if there was a lot of drums and
18 scrap metals sticking out of the ground, you'd have an
19 issue, but a lot of people think that the Presidio is very
20 beautiful.

21 MR. COOPER: With the ivy and the trees.

22 MR. BERMAN: At some of the earlier public
23 meetings, people objected to the money being spent if it's
24 all fine. We already have a history of the kind of
25 questions that are going to be asked.

1 When you have an actual pictorial
2 presentation that shows the report after and it's been a
3 minimal change, I think it's quite powerful.

4 MS. SEGAL: It might not be the right spot.

5 MR. COOPER: Up to you guys for -- we do
6 have a before of this site.

7 FACILITATOR KERN: Approaching the nine
8 o'clock hour. I see Jan and Jan. The Jans have a
9 question.

10 MS. BLUM: My suggestion would be once the
11 presentation is done to the people for the Presidio, which
12 is a very broad and deep cross-section of community groups
13 throughout San Francisco -- once we hear their questions,
14 we probably would have heard 99 percent of all the
15 questions that will be asked and maybe that will be a good
16 thing for us to recap and to bring to the RAB, because I
17 think you're going to have to want the same answers and
18 everybody else and you're going to want to know the
19 questions that were asked and the answers.

20 That might be a really good way to address
21 it. Because it is a huge cross-section of people.

22 FACILITATOR KERN: We'll certainly be
23 taking a lot of notes at that meeting.

24 MS. NEWTON: When is that meeting?

25 FACILITATOR KERN: It's not yet.

1 MS. BLUM: 12 of April or something.

2 MR. COOPER: If we could run through the
3 calendar of the three meetings just so I could write them
4 down and get them on my calendar, that would be helpful
5 for me.

6 FACILITATOR KERN: I think Jan mentioned
7 the likely date is April 12th for people for the
8 Presidio --

9 MR. COOPER: Okay.

10 FACILITATOR KERN: -- but I don't know that
11 one hundred -- it's not confirmed. It hasn't -- we
12 haven't gotten an absolute --

13 MR. COOPER: Just so I can reserve it and
14 make sure that I don't put anything on my personal
15 calendar for that night. That's what I'm worried about.
16 Oh. It's a morning meeting.

17 MR. YOUNGKIN: 8:30.

18 MR. COOPER: 8:30.

19 FACILITATOR KERN: 8:30 AM to 10:00 AM.
20 Usually at the spur offices or at Fort Mason, and we don't
21 know where yet.

22 MR. COOPER: Okay. And then for --

23 MS. CHEEVER: Definitely Monday the 9th at
24 7:30.

25 MR. COOPER: Monday the 9th, 7:30 at night.

1 I should be out there, and location to be determined.

2 MS. CHEEVER: Yeah. Oh, I think I've seen
3 a location. Something like -- somewhere in the 4000 block
4 of California Street.

5 MR. COOPER: Just send me an e-mail, yeah.

6 And then NAPP where the Trust still needs
7 to -- an announcement was made at the last NAPP meeting
8 about the -- about this opportunity for an agenda item,
9 and I think they're going to be yes, and I think that is
10 the 4th of April, and NAPP meets at 6:00 to --

11 MS. CHEEVER: 5:30.

12 MR. YOUNGKIN: 5:30.

13 MR. COOPER: Onward. So we got NAPP on the
14 fourth, PAR on the 9th and then People for the Presidio on
15 the 12th tentatively.

16 FACILITATOR KERN: And then the public
17 meeting May 8th.

18 MR. COOPER: Right. Public meeting May
19 8th. That's -- if everything goes right.

20 FACILITATOR KERN: Everything's -- that's
21 why we're doing this. Everything's going well.

22 MR. YOUNGKIN: Are you briefing the board
23 on this RAP 3, too, Craig?

24 MR. COOPER: What board would that be? I'm
25 just kidding.

1 The Trust Board of Directors?

2 MR. YOUNGKIN: Is that part of your --

3 MR. COOPER: It just so happens on March
4 21st, I am briefing the Trust Board of Directors on -- on
5 my -- on the program in general, on the RAP. RAP 3, you
6 know, not really. I am not briefing them specifically on
7 RAP 3.

8 MR. YOUNGKIN: Okay.

9 MR. COOPER: It's mostly about finances,
10 yeah, but I've got a couple of accomplishment slides in
11 there.

12 FACILITATOR KERN: Now to raise a little
13 bit of a -- in the past, the board has thrown up their
14 hands, stood up on the table and said, "We didn't know
15 about this" and put the brakes on things.

16 You don't anticipate that to any extent?

17 MR. COOPER: Again, I don't plan on
18 briefing them on RAP 3.

19 FACILITATOR KERN: And Craig Middleton,
20 he's willing to sign --

21 MR. COOPER: Craig Middleton knows the
22 remedies that are in RAP 3.

23 FACILITATOR KERN: All right.

24 MR. COOPER: So, yeah. I hear what you're
25 saying. We can get another tier of people going, "Yeah.

1 We shouldn't be doing this." Yeah.

2 FACILITATOR KERN: It's happened before.

3 MS. NEWTON: At this stage?

4 MR. BERMAN: It's happened before.

5 FACILITATOR KERN: At the very end,
6 somebody that didn't get briefed and held it up for
7 months.

8 MR. COOPER: So --

9 FACILITATOR KERN: Previous board of
10 directors.

11 I don't know. I probably wouldn't
12 personally go into it like that, but -- I mean, Craig
13 Middleton should know what --

14 MR. COOPER: Right. I should remind Craig
15 exactly what are in these RAP 3 remedies so he's not
16 caught off guard if a board member hears from somebody
17 else, yeah.

18 MS. BLUM: Craig, you might want to add
19 Audubon to your list because of the Nike swale and Nike
20 facility. That would be key.

21 FACILITATOR KERN: We might invite them to
22 one of these Presidio Advisory Council meetings and that
23 will cover --

24 MS. BLUM: Okay.

25 MR. YOUNGKIN: They will come to one

1 meeting, right.

2 MS. BLUM: Right.

3 FACILITATOR KERN: That group would be at
4 the People for the Presidio.

5 MR. YOUNGKIN: Does the document say
6 Remedial Action Plan 3 on the cover?

7 MR. COOPER: No. It's called Baker Beach
8 Disturbed Area 1, 2A and 22 other sites. Isn't that a
9 great name? Well, we got -- that name is so bureaucratic,
10 I didn't -- notice I didn't put RAP 3 on the title,
11 either, because no one's going to bond with that name,
12 either.

13 So I just call it "Proposed Cleanup Plan for
14 28 sites."

15 MS. CHEEVER: Actually, I would recommend
16 that you put that, and don't say RAP. Say Remedial Action
17 Plan 3. I mean, so they know it's part of a series.
18 Otherwise, there's no context.

19 MR. COOPER: Yeah. I know what you mean,
20 but I'm afraid that they've forgotten about RAPs 1 and 2
21 by now.

22 MR. BACH: It might be okay.

23 MR. ULLENSVANG: And RAP 4.

24 MR. COOPER: Up to you guys. I'm really
25 following a lot of your lead on how to edit this thing.

1 MR. YOUNGKIN: I just find myself saying

2 RAP 3 to people when I talk about it. And --

3 FACILITATOR KERN: That's right.

4 MR. YOUNGKIN: If it's not on the document,
5 it's not --

6 MR. ULLENSVANG: You can put that on the
7 second line of your header.

8 MS. BLUM: I agree.

9 MR. ULLENSVANG: Remedial Action Plan,
10 Presidio of San Francisco.

11 FACILITATOR KERN: That's how I've got Amy
12 Meyer. I've told her it's RAP 3.

13 MR. COOPER: Okay. But let's not go with
14 the long name, Baker Beach 1, 2A and 26 other sites.
15 Okay.

16 FACILITATOR KERN: Jan.

17 MS. MONAGHAN: I just had to bring up one
18 more editorial thing. The committee meeting talked about
19 getting rid of the burning animal carcasses.

20 MR. COOPER: I just did a cut and paste.
21 Thanks. It will be expunged from this.

22 MR. YOUNGKIN: Conspiracy for dog walkers
23 or something like that.

24 FACILITATOR KERN: So we are at a little
25 after 9:00.

1 Are there -- I hope that Craig, you got a
2 lot of great comments on this document tonight and good
3 feedback. I think we're strong-headed into this month of
4 April and May. Sounds like everything is on track, and
5 that's --

6 MR. COOPER: Yes.

7 MS. NEWTON: Doug, do you go to the
8 meetings with --

9 FACILITATOR KERN: There's probably not one
10 of these meetings that I won't be at.

11 MR. COOPER: Doug will go to all of them.
12 I assume Brian will go to all of them, as well. Bob said
13 he may not attend all of them. I think if we at least
14 have three emissaries.

15 I don't know, Devender, if you want to go.

16 MR. NARALA: If you want me to go, I'll go.

17 FACILITATOR KERN: If we can say that the
18 regulatory community is on board with these remedies --

19 MR. COOPER: Yeah.

20 FACILITATOR KERN: -- that usually
21 suffices.

22 MS. SEGAL: Can I ask Brian a question
23 about the listening session?

24 MR. ULLENSVANG: Yes.

25 MS. SEGAL: Is it something that you

1 want -- in a listening session, you want to have a good
2 show of people since the big wigs are coming out?

3 MR. ULLENSVANG: Particularly people that
4 are interested in the future of the park system. I think
5 all of you probably are. We would love to have --

6 MS. SEGAL: So a big showing.

7 MR. CHESTER: Nationwide.

8 FACILITATOR KERN: To finish off the
9 agenda --

10 MR. ULLENSVANG: I had one other thing that
11 I think Craig forgot to mention that all of you need to
12 know about.

13 MR. COOPER: Yes.

14 MR. ULLENSVANG: This week, yesterday,
15 today, tomorrow, they are mowing the Baker Beach sites 1
16 and 2A in anticipation of a cleanup this summer. So they
17 have the spider excavator out on-site.

18 It is moving quite rapidly, and if things
19 have gone well today, it will be moving to Baker Beach 2A
20 tomorrow or it did before. They had to wait for the tides
21 to be low in order to drive it across the beach, and so
22 it's a -- it's a very good step as it gets ready for the
23 cleanup.

24 This is being done now so that the mowing
25 and removal of vegetation did not happen during the height

1 of bird nesting season. We are in the bird nesting
2 season, so there were precautions taken to make sure there
3 were no nests that were disturbed.

4 But if you happen to be at the Presidio
5 tomorrow, it is probably a good thing to look at a
6 distance at. I don't recommend trying to get close to it,
7 but it is a very good move forward in the cleanup of these
8 sites.

9 MR. COOPER: It's like this.

10 MS. SEGAL: Is there a bar in front of it?

11 MR. ULLENSVANG: They had the mower on to
12 the arm.

13 MR. COOPER: Right. They just attach the
14 mower here.

15 MS. SEGAL: Is there a bar to actually
16 flush birds?

17 MR. ULLENSVANG: Someone's walking and
18 surveying the area looking for nesting sites prior to the
19 excavator being --

20 MS. NEWTON: Someone should take photos of
21 that in defense of what's being done.

22 MR. ULLENSVANG: Well, it's something that
23 we require.

24 MS. NEWTON: Is somebody out there? Maybe
25 I will be out there.

1 MR. COOPER: I think somebody asked for
2 these big chunks of concrete to be shown.

3 FACILITATOR KERN: Let me sort of finish
4 off the meeting here. It's been quite a lively one.

5 Devender, did you have any things for the
6 item number 6? Just anything going on from your agency
7 you needed to let us know?

8 MR. NARALA: That I probably already talked
9 to you about this, that I requested the RAB members to --
10 actually Mark and Doug to give an EO item, an executive
11 officer item.

12 We're going to talk of executive officer has
13 asked what's going on in this RAP 3, because everybody
14 talks about the RAP so much, so he wanted to know more
15 about it, so I got some response from Doug and Mark.

16 So I will share once it becomes public that
17 information with Doug. Hopefully next meeting.

18 MS. SEGAL: Great.

19 MR. NARALA: Other than that, all the
20 projects are going good.

21 FACILITATOR KERN: Very good.

22 MR. NARALA: Thank you.

23 FACILITATOR KERN: Any new business?
24 Anything come up besides RAP 3 or -- there isn't anything
25 else besides RAP 3.

1 MR. BERMAN: One piece of new -- new
2 business. I think probably a letter should be written to
3 Dave Sutter thanking him for his service because I think
4 he did contribute some very significant contributions in
5 developing the budget and construction, economic analyses.

6 I think his insistence on that was probably
7 very significant in getting that going, and it seems
8 proper to thank him for his service here.

9 MR. YOUNGKIN: We've done resolutions in
10 the past.

11 MR. BERMAN: Right, but preparing it for
12 the next meeting in terms of new business. Not the
13 committee meeting. The next official meeting.

14 FACILITATOR KERN: Right. Okay.

15 MR. COOPER: Yeah.

16 FACILITATOR KERN: And agenda items by
17 March 27th, I think we'll be looking more around, I guess,
18 how RAP 3 progress is going, if anything's come up. I'll
19 let you know.

20 Anything else for the good of the order
21 tonight?

22 Without objection, meeting adjourned.

23 (The meeting concluded at 9:12 PM).
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3
4 I, the undersigned, hereby certify that the
5 discussion in the foregoing meeting was taken at the time
6 and place therein stated; that the foregoing is a full,
7 true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the foregoing
10 meeting and caption named, or in any way interested in the
11 outcome of the cause named in said action.

12
13 IN WITNESS WHEREOF, I have
14 hereunto set my hand this

15 _____ day of _____,
16 2007.

17 _____
18 Mark I. Brickman CSR No. 5527
19
20
21
22
23
24
25

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3 I, the undersigned, hereby certify that the
4 witness in the foregoing deposition was by me duly sworn to
5 testify the truth, the whole truth and nothing but the
6 truth in the within-entitled cause; that said deposition
7 was taken at the time and place therein stated; that the
8 foregoing is at the time and place therein stated; that the
9 foregoing is a full, true and complete record of said
10 testimony; and that the witness was given an opportunity to
11 read and correct said deposition and to subscribe the same.
12 Should the signature of the witness not be affixed to the
13 deposition, the witness shall not have availed
14 himself/herself of the opportunity to sign or the signature
15 has been waived.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties in the foregoing
18 deposition and caption names, or in any way interested in
19 the outcome of the cause names in said action.

20 IN WITNESS WHEREOF I have
21 hereunto set my hand this

22 2nd day of May,
23 2007.
24 Mark I. Brickman
25 MARK I. BRICKMAN CSR 5527

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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, APRIL 10, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

RAB Members:
 Doug Kern, Facilitator
 Mark Youngkin
 Craig Cooper
 Brian Ullensvang
 Bob Boggs
 Devender Narala
 Peter O'Hara
 Sara Segal
 Sam Berman
 Jan Monaghan
 Julian Hultgren
 John Budroe
 Michelle Passero
 Jan Blum
 Edward Callanan
 Julie Cheever
 David Bach
 John Chester
 Barbara Newton
 Toni Kramer

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BE IT REMEMBERED that, pursuant to Notice of the Meeting,
 and
 on April 10, 2007, at the Officer's Club, Building 50, Presidio of San
 Francisco,
 California, before me, MARK I. BRICKMAN, CSR No. 5527, State of
 California, there
 commenced a RAB meeting under the provisions of the Presidio Trust.

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1 FACILITATOR KERN: Welcome, everyone to the
2 regularly scheduled meeting of the Presidio Restoration
3 Advisory Board April 2007.

4 Every April -- I hate to say it this way,
5 but every April, I stop and pause and note that April is
6 the date that we started the RAB back in 1994.

7 So we're now beginning our 14th year
8 together, and there are three of us from that original
9 squad that remain and several from the year after -- Jan,
10 Peter, myself were in that original group, and Julie and
11 Mark the following year, and then we've got a large number
12 of you have been with this group a long, long time.

13 So it's onwards. A lot more to do.
14 Hopefully the next few years, we will wrap it all up.

15 I think a lot of good progress to talk about
16 tonight. Let's see. Everybody have an agenda? Any
17 additions, changes, modifications?

18 Announcements, old business? Announcements,
19 Jan.

20 MS. BLUM: I think I already sent out a
21 reminder to everyone, but the Presidio Trust is going to
22 have a public meeting with the board of directors. The
23 public is welcome to come in and discuss on the 23rd of
24 April at 6:30 I think right here. Transportation and
25 parking.

1 So my understanding is that will probably be
2 an introduction by people at the Trust who are running the
3 program, and then they'll ask for feedback and some kind
4 of direction.

5 But this is a really wonderful opportunity
6 for people who have ideas about how parking and/or
7 transportation, including mass transit, could be improved
8 on the Presidio.

9 Thank you.

10 FACILITATOR KERN: Thanks, Jan.

11 I would like to take a moment, also, and
12 welcome Peter back after an extended period away, and he's
13 been a valuable member of the group and we're happy to
14 have him back with us tonight.

15 MR. YOUNGKIN: Do we have any information
16 about the Mountain Lake TEA grant thing?

17 MS. BLUM: I guess that is old business.

18 With -- Michelle Passero sent a note to
19 Craig Cooper last week, I think, saying that the budget
20 hearings -- Caltrans' budget hearings will take place
21 tomorrow or that the time for input into the Caltrans
22 budget hearing deadline will be tomorrow and that she had
23 the name of a party who is influential in seeing that
24 funds are distributed in the way he/she sees fit, and
25 Michelle's suggestion was -- her question was to the Trust

1 can you call this person and make a pitch for the TEA
2 grant for Mountain Lake, which is \$650,000, which we've
3 been promised some three years now?

4 MR. COOPER: That sounds right.

5 MS. BLUM: About three years.

6 Caltrans the past three years has been
7 promising us \$650,000 in order to clean up part of
8 Mountain Lake, and the Trust reply was that the one
9 federal party cannot lobby another governmental agency.

10 MR. COOPER: Right.

11 MS. BLUM: But Craig said if there were
12 people willing to make a phone call to Sacramento, he
13 could provide some highlights, some notes, some speaking
14 points. So that's the kind of follow-up on where we are.

15 Nothing has been done about that, so the
16 question is do we want to do something about it?

17 FACILITATOR KERN: Devender.

18 MR. NARALA: I need to add something to
19 that. The previous manager of the Water Board, Jim
20 Ponton, gave a call last week. He said he got a call from
21 Caltrans to say, "Hey, there's \$700,000 in TEA grant we
22 want to give to the Presidio and nobody called us for that
23 money" or something to that effect.

24 So hold your applause and everything, but --
25 I am not completely in the loop right now, but I asked Jim

1 Ponton to ask the person to call me so we can talk to him.

2 From what I heard from Jim is Caltrans is
3 ready to give this money and it's the Trust who is not
4 ready to take it or something like that.

5 MR. COOPER: Please.

6 MR. NARALA: Sorry. I'm just a messenger.
7 Don't kill me here.

8 So I do need to follow up on that and
9 probably will sit and talk to Craig and see what happened,
10 so if we can restart this whole process of what -- if I
11 need --

12 MR. COOPER: That would be great.

13 MR. BERMAN: Don't you think, Craig, that
14 you should find out who this person is at Caltrans and
15 make a contact directly with him?

16 MR. NARALA: Yes.

17 MR. COOPER: Find out who Jim was talking
18 about. I'll be happy to talk to that person. Maybe
19 Caltrans lost our phone number. We're so hard to find.

20 FACILITATOR KERN: It's very possible that
21 it's a left hand/right hand thing. Maybe it got passed to
22 another department, but --

23 MR. COOPER: Inside Caltrans.

24 FACILITATOR KERN: But we could at least
25 follow up with it.

1 MR. COOPER: Absolutely.

2 FACILITATOR KERN: But I think getting back
3 to Jan's announcement, I don't think it would hurt to
4 actually pursue that strongly.

5 MS. BLUM: And the hearing is tomorrow. I
6 don't know whether we're out of time or not, but I guess
7 it wouldn't hurt to call.

8 One thing I heard about Doyle Drive, if a
9 contingent of San Franciscans had gone to Sacramento to
10 lobby, they may have lost thirty million dollars earmarked
11 for the reconstruction of Doyle Drive.

12 If they hadn't lobbied the budget committee,
13 there was a chance -- if they didn't show up -- somebody
14 said, "If you don't show up, we figure you're not
15 interested.

16 MR. COOPER: Mm-hmm.

17 MS. BLUM: So I guess I should have
18 learned. That's my comment about how you lobby for funds.

19 MR. BUDROE: Part of the fallout from that
20 was they passed the bond issue and they had initial kind
21 of projects, and Doyle Drive wasn't going to get any
22 money.

23 Of course there was a number of projects in
24 the Bay Area that weren't going to get money. The same
25 with Southern California, so both Northern and Southern

1 California got together and shook the trees, and all of a
2 sudden the project mix changed, and they still couldn't
3 squeeze out money for Doyle Drive, but it was kind of
4 agreed instead of getting this, the money -- we're going
5 to get X amount of money from a different source.

6 MS. BLUM: Maybe. I heard a big maybe on
7 the end of it.

8 MR. BUDROE: Well, you know, depending on
9 the budget, everything is a big maybe. Well, it's true.
10 If they'd gotten bond money, it would have been a lot more
11 of a sure thing because that's signed, sealed and
12 delivered, whereas getting money from somewhere else
13 through the budget, given that they're looking at maybe a
14 two billion dollar structural deficit this year, is not as
15 sure of a sure thing.

16 Now, you know, a deal was cut, but deals can
17 be broken, so, you know, it would behoove somebody to, you
18 know -- if I was interested in Doyle Drive to go ahead
19 and, you know, keep lighting a fire under this --

20 MS. BLUM: Mm-hmm.

21 MR. BUDROE: -- to not have it go away.

22 FACILITATOR KERN: Well, again, pulling it
23 back to the Mountain Lake that Jan is bringing up, this
24 has been a very longstanding issue for us.

25 We've -- take us back to resolutions we've

1 written. We applied, you know, considerable encouragement
2 to various agencies over the years, and I'm wondering if
3 we can carve out -- at the end of the meeting, if we can
4 get a few volunteers.

5 I'm sure between all of us we can generate
6 some talking points. We've lived with this for many
7 years. We all understand what Doyle -- Mountain Lake is
8 about. Doyle Lake. Mountain Drive, and we can pull
9 together some talking points.

10 If you think that -- I mean, I'm not -- I
11 don't have my head into -- into that subject, so I'm not
12 sure who to call and what the best tack would be.

13 MS. BLUM: Okay. But if you can lead a
14 small charge on that

15 FACILITATOR KERN: How about if we save the
16 last fifteen minutes of the meeting to try to pull
17 something together?

18 MR. BUDROE: Jan, my question on that, is
19 tomorrow the last day to get on the agenda or is tomorrow
20 the budget hearing?

21 MS. BLUM: Tomorrow's the hearing.

22 MR. BUDROE: So you got to be physically in
23 Sacramento tomorrow to do that?

24 MS. BLUM: Why don't we wait until that
25 time period that we set aside so we don't get bogged down

1 on this issue. If you could stay, that would be great,
2 John.

3 MR. BERMAN: I had a thought in my
4 confusion here -- because Devender said that they're ready
5 to give the money, so in a sense, if we had a delegation
6 that went to Sacramento, it may be superfluous.

7 In fact, it may have a negative impact.
8 "why are you here when we already have decided to give the
9 money?"

10 So, you know, it's a kind of -- I mean, I'm
11 somewhat confused as to really what the right thing to do
12 is, because, you know, if there isn't any reason to lobby,
13 it seems to me it's best not to show up, like you don't
14 know what you're doing.

15 FACILITATOR KERN: Thanks. Appreciate
16 that.

17 Sara.

18 MS. SEGAL: As I understand it, the
19 Presidio, we submitted a TEA grant application.

20 MR. COOPER: Right.

21 MS. SEGAL: And is there a letter in hand
22 somewhere that says: "Your application has been approved
23 in this amount of \$650,000"?

24 And having said that, let's say there was --
25 there's a letter or someone -- the approval process was

1 given or someone said, "Yes, this TEA grant will be
2 awarded."

3 What concerns me is -- and I think we should
4 push as much as possible. At least the federal dollars --
5 and I don't know about the Caltrans state dollars, but in
6 the budget moneys, if those moneys are sitting in a column
7 somewhere with the Presidio's name on it, but they aren't
8 used or allocated to the Presidio, then they can go back
9 into the budget after a number of -- either two years or
10 whatever the rules are.

11 So I think it behooves us to make sure if we
12 think the TEA grant funds were allocated but not maybe
13 transferred to the Presidio Trust column, if you will,
14 then that's what needs to be done.

15 I don't think pushing it can possibly hurt,
16 but I think we need to find out exactly, you know, the
17 status, and if there's a risk of actually losing that
18 money all together.

19 FACILITATOR KERN: If it would be all right
20 with everyone if we could push this back to the end of the
21 meeting and we'll try to cover some of those things.

22 There are a number of other timely issues --
23 not to put Mountain Lake in the back, but we've invested
24 heavily in this RAP 3 process and I want to make sure
25 everybody's up to speed on that.

1 But before we get to that, we have item
2 number 4, which is the committee business and the board.

3 MR. YOUNGKIN: Well, the Planning Committee
4 met on the second Tuesday of this month, and we've been
5 having an ongoing discussion of RAP 3 and the community
6 outreach, so we spent most of the meeting talking about
7 that.

8 We talked about Mountain Lake a little bit,
9 too, the TEA grant, but that was the majority of the
10 meeting, and then our next Planning Committee meeting is
11 on April 24th.

12 And we've also discussed, I guess, the
13 termination letter for Gloria Yaros. I sent a PDF copy of
14 that out. I hope everybody got a chance to look at that,
15 and we're recommending terminating her membership and
16 giving her the opportunity of reapplying in the fall or
17 taking a leave of absence, whatever she decides, but I
18 talked to her personally and it appears to me like
19 terminating her membership's probably the best thing at
20 this time.

21 She hasn't been here for over a year, I
22 believe.

23 So I'll go ahead and send that letter out
24 unless there are objections. I don't think it needs a
25 vote to send that out.

1 MR. BERMAN: When you talked to her, did
2 she say that she was just not -- did she offer some
3 personal reason that she couldn't attend and wanted to get
4 back on track or was she just disinterested?

5 MR. YOUNGKIN: You know, it was a little --
6 it wasn't very clear. She was talking about her
7 daughter's wedding. Besides that, her computer was
8 broken.

9 It was a very kind of incoherent
10 conversation I had with her, so I can't say for sure. She
11 said she would like to come generally in the fall, but she
12 wasn't sure if she would have the time, so, you know, I
13 think that she needs to reapply, I guess, if she gets the
14 time to serve again.

15 So that letter's ready to go, and we also
16 have the resolutions for David Sutter and Tracy Wright. I
17 sent those out, too.

18 Did everybody get a chance to look at those?
19 I have some copies of the latest version here if anybody
20 wants to see them, too.

21 Any last minute comments?

22 MR. BERMAN: In the bylaws concerning
23 termination, do we have -- is it just one procedure or is
24 it a two-stage thing?

25 There's a warning that goes out and says:

1 "You haven't showed up, and if you don't show up, we will
2 send you a termination letter," or does it just say after
3 a certain length of time, you get a pink slip?

4 MR. YOUNGKIN: It just says after missing
5 three meetings in a row, you get a termination letter.

6 Now we don't strictly apply that, usually.
7 With Gloria, it's been over a year now. If someone
8 contacts us and keeps in contact, we try to keep them
9 going. In her case, it's been over a year.

10 My e-mails didn't get returned for three or
11 four months. So I called her. She didn't remember who I
12 was. I had a hard time convincing her I was really Mark
13 Youngkin, so in her case, I think a termination is
14 appropriate, but the bylaws have provisions for
15 terminating that --

16 MR. BERMAN: I was just wondering whether
17 it's a staged termination or a one shot deal.

18 MR. YOUNGKIN: Correct me if I'm wrong, but
19 I believe we tried to avoid that staged process.

20 She can appeal the letter. All she has to
21 do is send a letter back saying: "No, I would like to
22 keep my membership. This is the reason I haven't been
23 coming."

24 In this letter, we gave her the opportunity
25 to ask for a leave of absence if she has some reason that

1 she needs that. So Julie worked over the letter and tried
2 to make it as accommodating as she could.

3 Are we ready to vote on these resolutions?

4 FACILITATOR KERN: I think we probably are.
5 I appreciate the work that you and others have done to
6 contribute to those resolutions. I think it's a nice
7 thing to do to acknowledge these two folks.

8 So I would be open to hearing a motion to
9 accept these resolutions as we've seen them. If we need
10 to, we can read them out loud if that would be good;
11 otherwise, I would accept a motion to accept them as
12 they've been presented.

13 MR. O'HARA: Are they in the record?

14 FACILITATOR KERN: They haven't been read
15 out loud.

16 MR. O'HARA: Then I would suggest you read
17 them out loud.

18 FACILITATOR KERN: All right. "Presidio of
19 San Francisco Restoration Advisory Board Resolution of
20 Appreciation. David Sutter, whereas David Sutter served
21 for four years as a dedicated community member in good
22 standing of the Restoration Advisory Board; whereas David
23 Sutter contributed significantly to the effective
24 operation of the board, by recognizing the shortcomings in
25 the financial accounting for the remediation program. He

1 was instrumental in erecting the framework for a much
2 improved cost tracking system. The RAB is indebted to him
3 for his oversight and steadfast advocacy that cost
4 tracking can be truly accountable. Be it therefore
5 resolved on April 10th, 2007 by unanimous vote the members
6 of the Restoration Advisory Board commend and thank David
7 Sutter for outstanding public service."

8 Number two, same beginning. "Resolution of
9 Appreciation, Tracy Wright. Whereas Tracy Wright served
10 for nine years as a dedicated community member in good
11 standing of the Restoration Advisory Board participating
12 in an informed by way always maintaining a collegial
13 manner; whereas Tracy Wright approached issues with
14 fairness, brought a spirit of inclusiveness to the board,
15 served on a working group and contributed to the
16 environmental cleanup newsletter. She steadfastly
17 advocated for conscientious cleanup of the Presidio's
18 natural environment to protect future visitors and
19 wildlife. Be it therefore resolved on April 10th, 2007 by
20 unanimous vote the members of the Restoration Advisory
21 Board commend and thank Tracy Wright for outstanding
22 public service."

23 MS. BLUM: I move we accept the resolutions
24 as written.

25 FACILITATOR KERN: Is there a second?

1 MR. O'HARA: Second.

2 FACILITATOR KERN: Any discussion?

3 It's been moved and seconded to accept these
4 two resolutions, one for David Sutter and one for Tracy
5 Wright, resolutions of appreciation of their public
6 service.

7 All in favor, say aye. Opposed? Motion
8 carried. Thank you very much. Thanks.

9 Reports and discussion, RAP 3 progress.
10 Where should we start with this? There are several things
11 that have been in motion. I think they can all be kind of
12 talked about simultaneously as A, B and C.

13 Kind of backing up from item C, we have a
14 summit meeting in two days on Thursday to report on the
15 progress of RAP 3. So tonight's an important check-in on
16 how we're going to work that summit meeting.

17 We have just concluded two outreach
18 meetings, so we can talk a little bit about that tonight,
19 and then RAP 3 progress.

20 Craig, maybe you can talk a little bit about
21 what you hear from Bob --

22 MR. COOPER: Okay.

23 FACILITATOR KERN: -- about how things are
24 going.

25 We have -- I can tell everyone here tonight

1 that I've sent out to Craig and other members of the
2 immediate staff that -- a bunch of questions for the
3 summit meeting, an agenda and what we hope to talk about
4 then, and so I'll just see where you are on that, Craig,
5 and I was kind of hoping Bob was going to be here.

6 MR. COOPER: Yeah. Where do you want to
7 start? Do you want to talk about the outreach meeting,
8 the RAP and CEQA stuff?

9 FACILITATOR KERN: Let's start with the
10 RAP, and the biggest part that again Bob would be able to
11 report on mostly is this California Environmental Quality
12 Act --

13 MR. COOPER: Right.

14 FACILITATOR KERN: -- portion of what we've
15 been rushing through.

16 MR. COOPER: Okay. I'm trying to remember
17 where we kind of picked -- left things off last time.

18 I think you know that there's this companion
19 document to our RAP called an initial study with -- it's
20 to show compliance with the California Environmental
21 Quality Act, and it -- before it can go to public comment,
22 there is some interaction amongst -- with DTSC and other
23 state agencies that happens in advance, and DTSC does this
24 so when it does go to public comment that these state
25 agencies won't comment, basically.

1 They're trying to get all on the same page
2 in advance, and -- so this -- this initial study was
3 prepared by the Trust and then some editing was done by
4 Bob and then sent to a group in Sacramento.

5 So it's not Bob's immediate office that --
6 that works on these CEQA compliance things. We kind of
7 prepare the base documents and then they kind of take it
8 from there. It's supposed to be like an independent third
9 party review.

10 And there is a woman, Laura -- I can't think
11 of her last name -- that's been assigned from the
12 Sacramento office. She's come to the Presidio. Brian and
13 I and Bob met with her.

14 We went over the universe of issues that
15 she's raised so far, and we gave her a site tour, which I
16 think was very helpful, and we have now -- she maybe laid
17 out ten issues and hurdles that we need to jump across,
18 and I would say maybe there's seven, and I would say four
19 of them have been now jumped, cleared.

20 We got maybe three more to go, and some
21 examples of some issues that she's been raising are, for
22 example, state listed protected plants under the
23 California Endangered Species Act.

24 We did compliance, you know, and that
25 applies to the Baker Beach 1 site, the Nike swale site

1 and -- yeah. Basically those two sites.

2 They're both in natural areas where we do
3 know that special status plants are known to exist, and we
4 did all of our compliance for protecting these special
5 status plants through the Fish and Wildlife Service, which
6 is kind of the lead agency under the Federal Endangered
7 Species Act, and so now we're down to the state level, and
8 we want to make -- so these state agencies want to make
9 sure that all the state protected plants are going to
10 be -- that we follow the rules for them, as well, and
11 we -- when we comply with the federal, we take a look at
12 the state list. Just so, you know, we're not like oops,
13 state list. No. We knew about a state list, as well.

14 If it's federal, it's state, state, federal,
15 but not a hundred percent, and there's a couple exceptions
16 to that.

17 So I'm -- and so the CEQA person is -- has
18 now invited California Fish and Game, which is the state
19 equivalent of the US Fish and Wildlife Service, to take a
20 look at how we're complying with the State Endangered
21 Species Act to make sure that we're doing the right thing,
22 and I'm actually writing -- preparing a letter that will
23 go to DTSC and then get handed off to this Fish and Game
24 person that will explain the whole story.

25 I think we got it covered. It was just the

1 paperwork that was already in place didn't tie it up real
2 clearly about the state protected plants, so I'm writing
3 the supplemental letter to kind of explain the whole
4 thing, so maybe that was all -- too long of an
5 explanation, too much detail for you guys, but that's one
6 example.

7 MS. NEWTON: Is that one that you feel has
8 been taken care of out of the seven?

9 MR. COOPER: That's one I haven't felt we
10 cleared yet. Not until my letter goes out and the Fish
11 and Game person says, "I'm comfortable with that
12 approach," because, you know, there's so much plant
13 populations.

14 When we originally did compliance under the
15 Federal Endangered Species Act, we didn't even know for
16 sure where our excavations were going to go. Indeed we're
17 still kind of doing investigation work.

18 So we took kind of a generous approach. We
19 could dig this whole site up and we could put staging
20 areas here and here.

21 So we said up front that we could destroy
22 some areas of the California lessingia plant. That's
23 called a take under the Endangered Species Act. The way
24 we're restoring it, we feel it complies.

25 So the Fish and Wildlife Service said,

1 "Great. The fact that your restoration program overwhelms
2 the act that the remediation program does destruction of a
3 small amount." Now it's just a matter of getting Fish and
4 Game on the same page.

5 So that's what my letter will talk -- speak
6 to.

7 FACILITATOR KERN: Well, maybe this will
8 help with the whole process.

9 MR. COOPER: Okay.

10 FACILITATOR KERN: There are a number of
11 dates that are coming up that we're trying to meet.

12 MR. COOPER: Yes.

13 FACILITATOR KERN: And we could tell
14 everyone the huge amount of things that you and Bob are
15 trying to --

16 MR. COOPER: Right.

17 FACILITATOR KERN: -- jump over, but I
18 learned from you a while back that there are a variety of
19 things that have to happen in order to begin the public
20 meeting --

21 MR. COOPER: Correct.

22 FACILITATOR KERN: -- comment period, the
23 public comment period, and those involve getting a
24 newspaper announcement ahead of everyone when you want to
25 begin, that there's a lead time.

1 MR. COOPER: Fifteen days ahead of the
2 start of the public comment period.

3 FACILITATOR KERN: And you actually have to
4 have the document to the printer and a variety of these
5 things.

6 MR. COOPER: And our fact sheet. There's
7 two things. There's the public notice that goes in the
8 newspaper, and then we have our proposed plan fact sheet,
9 which you can see that it's actually gone from a Word
10 file.

11 We've actually laid it out in a fact sheet
12 now. We've gotten Brian and DTSC to look at this.

13 So I'll be sharing it with these folks, one
14 last look before we take this to the printer. So this is
15 the fact sheet that will go to the printer, but you're
16 right.

17 We need at least probably a two-week lead
18 time. Another five days for the printer to do his
19 business and another five days for it to go out in the
20 mail. People need to see this at least five days before
21 the public comment period.

22 So yes, there are things that have at least
23 two-week lead times.

24 FACILITATOR KERN: I suppose that now that
25 we're right down to it and we have a few more things to do

1 with the regulatory community, Bob and a variety of people
2 beyond Bob, the way I look at the calendar, it's -- next
3 week is the -- the 16th.

4 It seems to me to be a date that you might
5 have to actually get this document to the printer. So
6 that leaves just a few days to wrassle with any remaining
7 comments on the -- on the Remedial Action Plan that Bob
8 may have uncovered.

9 Do you have a feel for where he stands? I
10 hate to be asking you about this. I'd rather be asking
11 Bob.

12 MR. COOPER: I don't know. He sent an
13 e-mail a couple weeks ago that he brought up some issues
14 that he had with the Remedial Action Plan, but he hasn't
15 really said too much about it recently because he's been
16 dealing with all these CEQA issues.

17 But we are meeting on the 12th right after
18 the -- is it right after the summit meeting? Is that
19 right? Yeah. Three o'clock on the 12th, we are meeting
20 with Bob to go over his comments on the Remedial Action
21 Plan.

22 It would be great if we could have some
23 Restoration Advisory Board presence for that meeting. I
24 would love that. If anybody wants to come to that
25 meeting, it's three o'clock on April 12th, and the meeting

1 location, probably Building 67, you know, at the -- my
2 office.

3 FACILITATOR KERN: I would -- I'd like to
4 say that if any of you can make -- this would be a good
5 meeting --

6 MR. COOPER: Yeah.

7 FACILITATOR KERN: -- for people to make
8 simply because --

9 MR. COOPER: It's crunch time.

10 FACILITATOR KERN: It's crunch time. We
11 need to -- even though there may be issues, they're no
12 longer issues that we can take two or three weeks to
13 resolve. Every hour matters now at this point, so --

14 MS. SEGAL: Craig, I just want to ask, the
15 CEQA, the State Fish and Game people. We know because of
16 the summit meeting and Bob and his bosses have been real
17 supportive about time frame and knowing that it's crunch
18 time.

19 So are we depending on Bob to make sure that
20 the State Fish and Game people have the same approach and
21 attitude about --

22 MR. COOPER: Pretty much.

23 MS. SEGAL: -- reviews?

24 MR. COOPER: If I say something, who is
25 remembering how and we're trying to regulate it.

1 MS. SEGAL: I would depend on Bob to take
2 the lead.

3 MR. COOPER: Yes.

4 MS. SEGAL: Is there anybody else other
5 than Fish and Game?

6 MR. COOPER: No.

7 MS. SEGAL: Great. Thanks.

8 FACILITATOR KERN: So you're going to meet
9 with -- do you have any idea --

10 MR. COOPER: On the 12th.

11 FACILITATOR KERN: -- what the scope of his
12 comments are?

13 MR. COOPER: Other than from his e-mail,
14 but there wasn't really too much for us to react to in
15 that e-mail.

16 There's some people -- Genevieve is doing
17 homework on this, and I think what's important is I just
18 talked to him about this today and he said that he may not
19 have all of his comments ready for the 12th, and then he
20 said that a couple days ago and then today he was saying,
21 "I'm really going to try to have all my comments ready for
22 the 12th."

23 That would be awesome if he could, because
24 then we know, you know -- then we can do our homework and
25 start to get some replacement agencies, and he did agree

1 that "I'm not submitting the RAP number 3 all over again."

2 We're down to just figuring out what he has
3 a comment on, agreed -- preparing a replacement page, you
4 know, for that particular issue and getting that
5 replacement page to him quick, you know, and we're getting
6 toward -- you know, we can talk about -- on the 12th with
7 Brian there. We'll talk about different modes to hammer
8 this down.

9 So we're not going back and forth and back
10 and forth. This whole -- we're getting toward that over-
11 the-shoulder review. Now It's getting to such a narrow
12 set of issues that we can maybe do an over-the-shoulder
13 editing thing. It's got to be rapid fire.

14 FACILITATOR KERN: Can you actually think
15 about doing that in realtime on the 12th? I mean -- I
16 mean, when else are you going to have time?

17 MR. COOPER: We can bring a laptop with the
18 text file of the RAP on it. I don't -- it might be a
19 little bit early on that, but I'm not saying no, but it
20 depends on the scope of his comments.

21 FACILITATOR KERN: If you let him know that
22 that's -- you can have me -- let him know that that's what
23 I would like to see. I mean, we have all pushed really
24 hard, and to have this slip at the end --

25 MR. COOPER: Yeah.

1 FACILITATOR KERN: It's very possible. We
2 would all like to let the pressure off and, you know --

3 MR. COOPER: Right.

4 FACILITATOR KERN: And so I'm very
5 concerned that if we let it slip, it will be another month
6 down the road.

7 MR. COOPER: Yeah.

8 FACILITATOR KERN: We won't get started and
9 it will all blow all this work that we've --

10 MR. COOPER: Right. It will mess --
11 there's a July construction start that we really need to
12 make happen.

13 MR. ULLENSVANG: If we could do that, that
14 will actually help with the changes that you made that
15 neither Bob or I know about. Because you said there's a
16 couple changes you're making.

17 MR. COOPER: Yes.

18 MR. ULLENSVANG: So that would be an
19 opportunity to talk about all the changes, and you can get
20 consensus and move forward.

21 MR. COOPER: Right. Good point.

22 FACILITATOR KERN: Well, can we
23 tentatively -- I know Bob unfortunately couldn't make
24 it -- plan for an over-the-shoulder review on Thursday?

25 I mean, I -- somebody shoot me with a gun if

1 this sounds bad.

2 MR. COOPER: I could send out a reminder.
3 I don't even think I sent you an e-mail inviting you to
4 the 12th.

5 I send out meeting reminder e-mails all the
6 time. You can e-mail back saying, "Oh, I don't know if
7 you're going to be able to attend or not."

8 FACILITATOR KERN: I actually have
9 something, something going on at that time, but --

10 MR. COOPER: You could at least e-mail back
11 and say: "Are we at a level where we can do" -- at least,
12 you know, pose the issue, and so --

13 MR. BACH: We're talking about this
14 Thursday?

15 MR. COOPER: This Thursday three o'clock?

16 MR. BACH: We've got all these loose ends
17 that we're trying to wrap up on Thursday by three o'clock?

18 MR. COOPER: DTSC is going to come -- Bob
19 will come with the RAP in front of him. He'll probably
20 have post-it notes on certain pages and he'll start
21 talking.

22 Genevieve who works for me and a consultant
23 will be there taking notes really fast and what we should
24 do is meeting notes from an integrated team type thing,
25 but then --

1 MR. ULLENSVANG: We should just change it.

2 MR. COOPER: Okay.

3 MS. NEWTON: It can't hurt.

4 MR. COOPER: Let's give it a shot.

5 MS. SEGAL: Building 67 in your office?

6 MR. BACH: Three o'clock?

7 MR. COOPER: Three o'clock.

8 MR. BACH: If you had a best case scenario,
9 how many people of the group would like to be there?

10 MR. COOPER: Just one or two. If it gets
11 more than that, it will get a little -- you know --

12 FACILITATOR KERN: I would suggest that
13 those of you that would come, your role is to be sort of
14 like vultures sitting up on the fence with eyes staring
15 down and heating up the room with the tension.

16 MS. NEWTON: Like I was when we met when
17 Bob was on your speaker cell phone listening to that, that
18 kind of thing.

19 MR. COOPER: Right.

20 FACILITATOR KERN: It would be subtle, and
21 yet firm encouragement to get every last comment done by
22 then.

23 We don't literally have time to redo and
24 redo, and we have been immersed in this thing for now
25 probably four years. So there isn't anything that we

1 couldn't figure out, really. There just isn't.

2 I -- I defy someone to come up with
3 something that we could not figure out and just type it
4 right in and just print out the page and Bob walks away
5 with it and we're done.

6 I mean, we really need to be thinking that
7 way at this point because we need to be thinking that way
8 for the rest of the program, almost. We've just --

9 MR. ULLENSVANG: So we should have a
10 projector at the meeting.

11 MR. COOPER: You just read my mind. That's
12 what I've done before. Then we project what's on the
13 computer screen up there.

14 MS. NEWTON: Do your editing and show it to
15 everybody.

16 MR. COOPER: So everybody wants to see it.

17 FACILITATOR KERN: I'm going to be -- I
18 would -- I would be there. Unfortunately, I'm already
19 missing my other part of my work that day, and so I've
20 rescheduled some of it for that the afternoon, so --

21 MR. ULLENSVANG: You need to join us that
22 evening.

23 FACILITATOR KERN: I'm sure it will still
24 be going.

25 MR. COOPER: Okay. I better clear my

1 calendar for that night.

2 So I can --

3 MR. BERMAN: The RAB people that will be
4 there should be silent? Should we wear a white wig?

5 FACILITATOR KERN: I think those kinds of
6 props would be welcome, Sam, but yes, you probably -- any
7 kind of suggestion about language or wording might
8 actually tip the scale the wrong direction. I mean --

9 MR. COOPER: Right.

10 FACILITATOR KERN: I'm quite confident that
11 the people in the room could get it done. They just have
12 to know the urgency of that.

13 So I'm really -- I'm really encouraging that
14 that happen on Thursday, that people don't leave until
15 it's done. I mean --

16 MR. COOPER: It's fine with me. I'm more
17 than happy to stay the evening into it. I just, you
18 know --

19 MR. BACH: Craig, are you still going to
20 send out the e-mail?

21 MR. COOPER: Oh, yeah. The meeting
22 reminder e-mail. I just copy Doug and Mark on those, but
23 he can forward that.

24 If I copied the whole RAB on that, I think
25 that would, I think, start to, you know -- it wouldn't be

1 correct. It would look unusual, so --

2 FACILITATOR KERN: We'll get it out and
3 then a few people can come just to show --

4 MR. COOPER: Exactly.

5 FACILITATOR KERN: -- that this is really
6 important.

7 MR. COOPER: Yeah. You could e-mail back
8 saying, "I can't make it," but there's a couple RAB people
9 that plan on coming.

10 MS. NEWTON: Anybody who is interested or
11 going or can go and then you should decide.

12 MR. COOPER: No, Doug. I don't decide.

13 MS. NEWTON: But Doug's not going.

14 MR. BACH: He's going to have to pull the
15 strings.

16 MS. SEGAL: He's usually the goer.

17 FACILITATOR KERN: The thing we don't
18 really understand too well is the copy of Bob's comments
19 yet.

20 MR. BERMAN: In view of sort of this plan
21 for the Thursday meeting, shouldn't somebody let Bob know
22 that we're sort of hoping to reach some kind of closure on
23 his comments that very day?

24 FACILITATOR KERN: Absolutely. Since we're
25 making this up -- this is now a working session for this

1 RAP.

2 MR. BERMAN: I think he needs to be
3 informed and that it may carry over into the evening.

4 FACILITATOR KERN: Yeah.

5 MR. BERMAN: And that would he agree to
6 work with that kind of constraint?

7 Because he may say, "You know, I'll have a
8 management problem on some of these issues that I have in
9 mind, and therefore we can't reach closure without
10 somebody else in DTSC" --

11 FACILITATOR KERN: It's very possible that
12 he would balk at the pressure, but we'll try to apply it
13 appropriately, encouragingly.

14 MS. BLUM: Since there's really no time
15 left, I think it might behoove someone, either Craig or
16 yourself, to call Bob and leave a message on his cell
17 phone tonight.

18 Two days for somebody that's really busy
19 forget about it. You can't just turn your schedule upside
20 down and go to a meeting like that. I think he needs to
21 be informed as soon as possible.

22 FACILITATOR KERN: I'll call him right
23 after the meeting.

24 MR. COOPER: Okay.

25 MR. ULLENSVANG: Maybe we could do

1 something similar for the CEQA documents that Bob has
2 revised.

3 MR. COOPER: Good point.

4 MR. ULLENSVANG: He indicated that both the
5 Park Service and the Trust should review that document
6 before it's published. He's made some changes for it to
7 work, and so we'll want to schedule a meeting probably
8 next week to go over our comments.

9 MS. NEWTON: When will you see that?

10 MR. ULLENSVANG: I don't know, but we want
11 to schedule a meeting shortly after we got the document.

12 MR. COOPER: Yeah.

13 FACILITATOR KERN: So these kinds of issues
14 are expected. They happen every time, and we're -- that's
15 why we all join hands together around a campfire and will
16 the thing to the finish line as mixing metaphors.

17 I think we really do have to pull this
18 together at the end. There's a lot of ways it could kind
19 of fly apart.

20 Probably enough time spent on that. We're
21 still shooting for a public comment period basically the
22 month of May, at our May 8th RAB meeting. That's the
23 second Tuesday in May, and that would still be the public
24 meeting for the RAP document.

25 End of the comment period would be the end

1 of May, and then a mid June signature date for the --
2 there needs to be a responsiveness summary and a variety
3 of things that happen after the public comment period. So
4 mid June is what we're shooting for for that.

5 So these three items under number 5 kind of
6 blend together. We can talk a little bit about the public
7 outreach meetings and report back from the summit meetings
8 that Dan Murphy was very concerned that these big type
9 projects in San Francisco are always met with incredible
10 public comment, and it can delay things by months, years.

11 And so I took a -- a difficult challenge on
12 suggesting that we would -- we would meet with as many
13 community groups in advance of the public comment period
14 as possible, try to find out what people were thinking in
15 advance, and we've had two meetings so far, and Julie and
16 I were at both of those, as well as Brian and Craig, and
17 we can talk a little bit about that, a little bit about
18 the questions that people are asking.

19 One was the Neighborhood Association for
20 Presidio Planning. That was last week, and then Planning
21 Association for the Richmond was last night.

22 We had a full hour or more at NAPP. A lot
23 of good questions. It was more of a discussion, went back
24 and forth. There were a lot of questions, and I really
25 would like to hear your comments, as well, Julie.

1 MS. CHEEVER: By the way, it's Associations
2 plural.

3 FACILITATOR KERN: Associations.

4 MS. CHEEVER: Well, I went to both partly
5 for moral support, because I'm a present or alternate
6 member of both of those two boards. And I went partly as
7 a consumer.

8 So speaking as a consumer, I thought the
9 presentations were very, very good. Doug gave an
10 introduction kind of from the public point of view. Craig
11 talked about the program in general, and then Brian did a
12 very good job of explaining about how the remediation
13 would work.

14 I also want to commend, though, the RAB
15 because I think -- I really sincerely think that the two
16 meetings we had where we discussed what should be on the
17 map, what should be in the charts and so on, which I also
18 think was taken to heart very well, like the final format.

19 MR. COOPER: I got the final versions if
20 people want to --

21 MS. CHEEVER: I thought it was a very
22 successful process, and I thought in both cases, the
23 meetings went very well, and we can get in a minute to the
24 questions.

25 This is not an all -- the people who were

1 there were very sympathetic to this, and I actually really
2 commend the environmental program for what it's doing.

3 This is not at all the main questions that
4 was asked, but I was very interested in both meetings the
5 question was how much money do you have left and do you
6 have enough money came up, and I quaked a little when it
7 came up, and Craig rose to the occasion and answered very
8 honestly and people just accepted that.

9 What I was afraid is that once this came up
10 that people would say, "Why don't you just leave a few of
11 those landfills in place or something." Nobody said that.

12 MR. COOPER: Yeah.

13 MS. CHEEVER: So in a way, I feel pleased
14 that that in itself is starting to come up.

15 So I will mention a few of the questions
16 that people -- oh, the originals are very good, too. The
17 two charts, the two pictures. What was the most effective
18 pictures that have.

19 So people asked about traffic, and there was
20 very good answers to that. They -- I think they were
21 interested to know what the timing was, how it got there.

22 What are some other questions that you
23 remember?

24 FACILITATOR KERN: I tended to focus on the
25 money questions. We had questions of the three -- even

1 though there was this big pile of money being spent on all
2 the excavations, there were the three sites that are land
3 use controls and people said how did you figure out to do
4 land use controls? Why is that cost-effective?

5 We were in a bit of a rush for that meeting,
6 so we didn't get into the discussion, but we assured that
7 questioner that -- that that analysis had been done.

8 I was also struck, as Julie said, that that
9 question really did come up, and in addition to how much
10 money do you have and how much do you have left, there
11 were how many sites have you completed and how many sites
12 do you have left to go?

13 So we're trying to get -- we have estimates
14 we can talk about. Oh, there's some -- there's 650 sites,
15 and about 600 of those or so are in this big group that
16 Mark helped to create, the miscellaneous sites. Those are
17 in RAP number 6.

18 A lot of those have not even been
19 investigated, but we expect many of those approximately
20 six hundred to sort themselves out and be no further
21 action, but based on our experience here at the Presidio,
22 there probably will be -- anywhere from twenty to fifty of
23 those sites will require some action.

24 It's possible one or two might actually turn
25 out to be big sites, a million dollars, two million

1 dollars. That could happen.

2 MS. CHEEVER: I thought of another thing I
3 learned from this, that when one is talking to other
4 people about this, you have to take a deep breath that
5 we're also used to.

6 For example, Craig ended up having to do a
7 very good job of explaining briefly about how this is only
8 one of several programs along with the petroleum removal
9 and the lead paint, because a lot of people remember about
10 the petroleum, so that's a point you have to make.

11 Another point is explaining about how a lot
12 of these landfills were in crevasses where there were
13 natural streams, and even the fact that landfill means
14 really a ways up, it doesn't make -- it means leave it
15 there, or for instance in talking about that picture, it's
16 important to say that that concrete is part of the debris.

17 Concrete will be the site that people ask
18 about, but Brian is explaining there's eight feet of
19 landfill underneath some of that --

20 MR. ULLENSVANG: About eight feet of waste
21 right there. That concrete level is --

22 MS. CHEEVER: Someone asked whether the
23 crest of the hill would be maintained. But actually the
24 height of the top of those would still be the same; right?

25 MR. ULLENSVANG: Where the machinery is

1 sitting will be down about eight feet. The side, north
2 and south in there. Foreground and aft will be about the
3 same.

4 (Bob Boggs enters the meeting).

5 FACILITATOR KERN: So Bob, we've been
6 talking about you.

7 MS. BLUM: We've got a surprise for you.

8 FACILITATOR KERN: And I have an action
9 item that I don't have to do.

10 MS. CHEEVER: I don't think there were
11 any -- in these particular groups, any hostile questions.
12 Sometimes in those groups there are one and two in the
13 group. Maybe they were absent, but maybe that was a good
14 omen.

15 FACILITATOR KERN: Julie has been -- has
16 been bit humble, but since she was there, she added a huge
17 amount of credibility with these community groups.

18 It makes a really big difference to have had
19 her there, and that's why I want to encourage at this
20 point all of your participation where you can to continue
21 to urge this process ahead, because, you know, we're --
22 we're really having some influence on helping to keep this
23 program on track.

24 So we really appreciate your efforts, in
25 one, helping us get on those agendas and then being there.

1 So much applause to --

2 MR. COOPER: Absolutely.

3 FACILITATOR KERN: -- Julie.

4 MR. COOPER: I'd just like to reiterate
5 that, because I know before Brian and I even walked
6 through the door, there's various folks, you know, who are
7 in communication, various groups are in communication with
8 each other, and there could be -- there's -- I'm assuming
9 that there's like a buzz about what -- something the
10 Presidio Trust is going to do before we actually go out
11 and say it, and without your assistance -- and I think
12 partly because of these RAB meetings, you know -- that
13 advanced buzz -- when Brian and I did walk through the
14 door, was generally pretty positive.

15 I'm assuming then these folks would kind of
16 make up their own mind when they heard the presentations,
17 but at least there wasn't some -- you know what I mean?

18 MS. NEWTON: Preconceived bad ideas.

19 MR. COOPER: Exactly, and I really
20 appreciate that.

21 FACILITATOR KERN: And then the NAPP folks
22 even were possibly going to write a letter for us saying
23 that, you know -- a letter in support of the project.

24 So I think between a letter that the RAB
25 could write during the public comment period, a letter

1 from -- from NAPP, possibly a letter from people for the
2 Presidio, possibly a letter from Planning Association for
3 the Richmond, we'll certainly have done our part in
4 bringing community support for these projects.

5 MS. BLUM: I also just wanted to say that I
6 think a lot of credit goes to the Trust for being more
7 forthcoming in their numbers in their annual report.

8 We see truth rolled out as it is, and there
9 was a statement about the liability on behalf of the RAB,
10 and before, that was like don't go there, you know.

11 MR. COOPER: Right.

12 MS. BLUM: Don't even think about it.

13 So I think the more truth comes out and the
14 more reality that we discuss, the easier it comes to -- it
15 becomes to overcome it, because people kind of know what
16 the lay of the land is, so to speak.

17 FACILITATOR KERN: So we have two of the
18 public community -- advanced community meetings have been
19 completed. We have people for the Presidio coming up the
20 end of April.

21 MS. CHEEVER: Peter, don't you have a group
22 that would like a presentation on?

23 MR. O'HARA: I'm -- I'm not sure that the
24 board, the Cow Hollow board, they're pretty familiar with
25 what's going on.

1 I think that it might be helpful -- and
2 again, I can ask the question if there was a presence at
3 the annual meeting of the Cow Hollow Association, which is
4 usually held at the St. Francis Yacht Club.

5 It's an afternoon meeting that's attended by
6 a hundred, 150 people, and in the past, there has been an
7 information table, or there are information tables, and
8 let me find out. It's a good question.

9 But typically at a monthly board meeting,
10 the association is pretty well focused on -- on things
11 that are happening with the Trust that affect the
12 neighborhood outside the Presidio as opposed to
13 necessarily what's going on in the Presidio, except for
14 development issues that would have an impact on the
15 neighborhood.

16 You know, an issue there is the parking at
17 Lucas which tends to be a problem outside the Presidio.
18 You know, those are the hot buttons, but in terms of
19 restoration issues, I think it would be very helpful to
20 have a table at the -- at the annual meeting, and I can
21 certainly follow up to find out if that's a doable thing
22 and I can come back through -- through Doug on that.

23 FACILITATOR KERN: Great. Thanks.

24 MR. O'HARA: Thank you for asking, though.

25 I appreciate it.

1 FACILITATOR KERN: And then finally within
2 this group -- and then we'll circle back to include Bob on
3 what we've already talked about -- would be the April 12th
4 summit meeting, which is in a couple of days.

5 The proposed agenda for that I sent out
6 today. We've been bandying it out today, and I sent out a
7 proposal that would cover things generally in this order.

8 Report on progress from all of Bob and Dan's
9 work on this California Environmental Quality Act
10 document. They've accomplished a lot. There's been a lot
11 of effort.

12 I'm also going to be interested to know what
13 was learned in that process so we can, you know, do it
14 more effectively as we go down the road.

15 Is there any possibility or do you recommend
16 that we have any of those folks at our summit meeting on
17 Thursday?

18 MR. BOGGS: Well, Tony will be in on the
19 conference call. Dan will be here. Probably not. I
20 think the lesson learned is actually something I've been
21 saying for quite a while.

22 There's a lot of agencies that have
23 involvement. Fish and Game, SHIPO, et cetera. Part of
24 it's just a learning process. We can't expect them to
25 learn the project, 28 sites in two days and then give us

1 their blessing.

2 And so really what's been happening is we've
3 kind of in the past couple of days actually been getting
4 past a couple of these hurdles, little hoops that we
5 naturally have to jump through as part of the process.

6 So I think primarily it's building some time
7 into the process. They're going to need that. Certain
8 agencies, Fish and Game, it may be beneficial where we
9 have particular concerns to bring them in earlier on.

10 That could have been done and maybe should
11 have been done, but other than that, a number of these
12 different agencies, it's just getting them the
13 information, getting them up to speed.

14 Once they understand what we're doing,
15 precautions we're taking, the mitigations we're putting in
16 to make sure that things are going well, they're kind of
17 "oh, okay. Sounds like a great project."

18 So it's really just understanding that
19 there's lots of concerns out there with various agencies,
20 and just building in the time so that they come up to
21 speed on those.

22 I think that's the main thing.

23 FACILITATOR KERN: Okay. Hopefully we can
24 think about ways of including them as we go, some sort of
25 e-mail list. Some topic comes up, that it's a hot button

1 for them, they'll flagging it early or something. Maybe
2 that will just create more headaches.

3 We would move on in the summit meeting,
4 then, to the document, RAP 3. What issues do we still
5 have left to do? What date are we going to send it off to
6 the printer?

7 There are also now underway issues with the
8 actual design process that I know Brian is heavily
9 involved in as well as Craig and Bob, and just getting an
10 update on -- and maybe you can give the RAB as a quick
11 brief a little update on the Baker Beach design process,
12 kind of how it's going, who's involved.

13 MR. ULLENSVANG: Sure. Do you want me to
14 do that now?

15 FACILITATOR KERN: I think that would be
16 great. We're kind of going through the summit agenda.

17 MR. ULLENSVANG: Yeah. Well, I think we've
18 talked about and touched upon different levels over the
19 last several months.

20 The Trust is going to design for the two
21 Baker Beach sites, which are the largest two sites in this
22 RAP. Together, they're about half of the excavation work
23 in the RAP. So they're a big project. They're
24 complicated to construct because of the site access.

25 There's natural resources on both sides on

1 the bluffs. There's significant cultural resources, on
2 the top of the bluffs and actually under some of the
3 waste.

4 They're physically hard to get to, and we
5 talked about using special equipment and conveyors to move
6 the waste from the hill sides up to the top. So this
7 design process is going along.

8 The trust has identified a contractor that
9 appears to have excellent credentials to do this work and
10 is so uniquely qualified, the Trust will be hiring them
11 directly as a sole source contract.

12 So they've been brought into the design
13 process to help -- since they know how they're going to
14 want to do the work, to work with their Trust design team
15 to actually not go through the bidding process, we have to
16 tie all the constraints together, but actually determine
17 what's the best way to do the work, which will be a much
18 more efficient process for the design.

19 And that process is going through. I'm
20 meeting with the design team at least once a week to --
21 the consultant has a person assigned in Craig's office
22 working on the design full-time with a desk and a computer
23 right there, so they have full access to George Ford,
24 who's Craig's project manager on this.

25 We're going to be meeting with Bob tomorrow

1 to explore further how to integrate Bob into the design
2 process and get him familiar with the details. So we can
3 quickly go from RAP together to approval of the design.

4 So tomorrow we'll walk Bob through with the
5 president of the company, who is going to be doing the
6 work, who is taking a very active role in staging how this
7 is going to be done, and walk Bob through what's going to
8 happen.

9 In a very common sense sort of a story way,
10 this is how we're going to do this, this is how we're
11 going to do that, and Bob will talk about things that he
12 feels concerns about that we may not have highlighted,
13 which will help us understand what they are, and we'll
14 talk about the things that we've already worked through so
15 he feels relieved that we know what's going to happen.

16 FACILITATOR KERN: Brian, I'm wondering if
17 that process might not be something that we could arrange
18 for the RAB, as well, having this guy be available to tell
19 us what's going to happen out at the site.

20 The more sort of emissaries that we have
21 that know how this is going to be done --

22 MR. ULLENSVANG: I'm sure. I think we have
23 some logistics, but I wouldn't have any problem. If one
24 or two of the RAB members wanted to come tomorrow at the
25 meeting at two o'clock.

1 I think from the logistics, we can't have a
2 lot of people because we'll be out in the field, but we
3 can certainly have him come to a RAB meeting and do a
4 walk-through of the project, and that would be quite
5 appropriate.

6 MR. BOGGS: Also as an add-on, Ron -- I
7 think I forwarded to Craig -- is available on the 18th, so
8 we'll have a meeting as well with our civil structural
9 engineer.

10 He's our slope stability expert, and so
11 he'll be reviewing that portion, as well. So I think it's
12 going to be at eleven o'clock.

13 MR. ULLENSVANG: I think tomorrow will be
14 maybe broader in scope. It will be of more interest to
15 the RAB folks, but I don't think there's anything to hide
16 here.

17 We will want all of you familiar with the
18 general process that's going out on there, because
19 everyone here will probably have questions. This will be
20 a pretty -- this will be a very big effort out there on
21 the hillside.

22 FACILITATOR KERN: Dave.

23 MR. BACH: That sounds like an excellent
24 idea, and I think it would actually be very beneficial,
25 particularly from a community outreach standpoint, to

1 gather that component to our knowledge.

2 I think tomorrow will be too soon, but if
3 there's some way we can orchestrate prior to these dates a
4 convenient time when most of or all of or whoever wants to
5 participate from the RAB group to be --

6 MR. ULLENSVANG: There will be a number of
7 different outreach efforts for the design. We're not
8 really engaging in that fully until we get further in the
9 process, but there will be a series of contact docent, for
10 lack of a better word, that the Trust will be -- we are
11 bringing into this project and there will be National
12 Parks Conservancy individuals who will be working on this
13 project who will be contacting visitors in the area and
14 describing closures that will be going on during the
15 process.

16 There will be hosting opportunities for
17 people to walk through the area, you know, informational
18 walks. We can certainly orient one of those walks to the
19 RAB. We can do a presentation at the RAB meeting, any
20 number of methods to talk about that.

21 MR. BACH: There a road map that you've
22 created that identifies those -- contact points, those
23 community outreach --

24 MR. ULLENSVANG: The details of when those
25 will occur exactly have not been worked out yet. Just the

1 concepts have been worked out.

2 MR. BACH: The concepts are great. That's
3 a good outline.

4 MR. ULLENSVANG: And it might be worthwhile
5 at one of the next meetings or so to bring the person
6 who's leading that effort into this meeting --

7 MR. COOPER: Oh, yeah.

8 MR. ULLENSVANG: -- and have her walk
9 through that.

10 MR. BACH: If there's any chance -- just
11 from listening to you, if there's any chance that I could
12 participate as a docent, I think that would be really
13 cool.

14 MR. ULLENSVANG: These will be paid
15 positions. These will be full-time positions doing that.

16 MR. BACH: Not my definition of a docent,
17 but that's good.

18 MR. ULLENSVANG: They would be full-time
19 employees doing this work. There are opportunities doing
20 docent work in the park. This rose to the occasion of
21 having a paid employee doing it.

22 So that there can be a certain training --
23 information and uniformity of what the contact information
24 is.

25 MR. BACH: Cool.

1 FACILITATOR KERN: Thanks, Brian.

2 So we'll -- at the summit meeting, CEQA
3 process, RAP 3, the document. We'll then talk about
4 for -- mostly for Dan and Tony's sake so they can hear the
5 progress of our community outreach meetings.

6 We talked about that a little earlier, Bob,
7 and then go into what are the remaining tasks, what's the
8 schedule for the remaining tasks, how are we doing.

9 And then probably the -- the most sensitive
10 item would be trying to set a date when we would have a
11 signature meeting, and everybody's going to get together
12 and we'll all just sign the document and off we go to the
13 races hauling away contamination, and to kind of be the
14 nagging pusher a little bit on this, I'm going to propose
15 here tonight that in addition to having it be a -- kind of
16 a celebration signature meeting, that we also forecast a
17 little bit about the next document, which would be
18 Remedial Action Plan 4, what are the sites, what are the
19 issues, and I would even be so bold as to lay out a
20 schedule for that, if we could.

21 Bob.

22 MR. BOGGS: Next one might not be what
23 you're thinking. We can go into that.

24 FACILITATOR KERN: Well, that would be good
25 to hear before I put my foot in my mouth. If there's some

1 other thing other than RAP 4 that you're thinking about.

2 MR. BOGGS: There's probably an interim RAP
3 that I've just gotten review comments on for lead based
4 paint.

5 Now, potentially that could be included with
6 the next RAP or it's essentially been prepared as a
7 stand-alone process in itself.

8 So essentially we're ready -- almost ready
9 to go on that, so whether that falls in ahead of time or
10 is part of that process --

11 MR. COOPER: Okay.

12 FACILITATOR KERN: Okay.

13 MR. BOGGS: -- we can work that out.

14 FACILITATOR KERN: Excellent. Depending on
15 that, that's the lead based paint program on the exterior
16 buildings.

17 There is -- RAP 4 would include landfill 8
18 and landfill 10 and firing range sites, so the idea, if
19 we -- depending on -- on Bob's wrinkle with the lead based
20 paint program, we'd be talking about a schedule and
21 hopefully we would be looking at what investigations need
22 to be done.

23 That might include installing wells near the
24 base of landfill 10 to look at the hexavalent chrome
25 issue. There are just a number of things and they're

1 going to take time because we need to sample those wells.

2 We need to get the document written. We
3 need to get agreement on the remedy, and if we can do all
4 that and -- and be in place for construction season next
5 year, we'll be leading up the docket with a lot of --
6 we'll get this program.

7 We'll be really loaded, and I know that
8 would make the Trust management really quite pleased
9 because of the issues at landfill 10 having to do with
10 their redevelopment issues at the Public Health Service
11 Hospital.

12 So I'd like to be on the positive side of
13 that for once, proactively moving that if we can. If we
14 can all come together on getting another set of things
15 done by next year's construction season, that will be
16 great.

17 So I'm going to propose that at the meeting
18 on Thursday.

19 If we can quickly cycle Bob, we kind of
20 promised to leave a few minutes at the end of this meeting
21 for a Mountain Lake discussion, but I wanted to include
22 you in what we talked about for RAP 3 progress, which will
23 be part of the summit meeting coming up on Thursday, and I
24 asked Craig what you were thinking, you know, expecting he
25 would be able to report on everything that you knew, but I

1 think since you're here, I also won't have to call you
2 tonight afterwards and let you know what we planned in
3 your absence.

4 MR. BOGGS: Great.

5 FACILITATOR KERN: So maybe I should let
6 you report on how things are going for you and then we can
7 kind of spiral up and tell you some ideas that we had
8 about how to get things accomplished.

9 MR. BOGGS: Well, as at least Doug is aware
10 and Craig and Brian, we've been actively working trying to
11 get the initial study together. This is Brian's copy from
12 his review, and in putting that together, we've run into a
13 few little hurdles. Some of them bigger than others that
14 we've had to address. I kind of alluded to the number of
15 agencies that have gotten involved here.

16 We've got the Bay Area Air Quality
17 Management District, Caltrans, the Army Corps of
18 Engineers, the Native American Heritage Commission, the
19 Postal Commission and the BCDC and then we just crossed a
20 hurdle with NOAA today. That's the National Oceanographic
21 & Atmospheric Administration.

22 FACILITATOR KERN: Right.

23 MR. BOGGS: And a lot of these, they just
24 again have a little bit of concern because there's issues
25 related to their regulations that they oversee.

1 A lot of them, we've been jumping through
2 the hoops and getting their concerns addressed.

3 Really the only significant outstanding ones
4 at this point are the Army Corps of Engineers for getting
5 a 404 permit, which basically involves wetlands.

6 Craig's taking the lead on that, but there's
7 kind of still a loose end that needs to be closed up.

8 The other loose end's the Department of Fish
9 and Game. Their concerns primarily generate from similar
10 to the US Fish and Wildlife Service, endangered species,
11 biological receptors.

12 Their concern lies in the -- there's a
13 number of state listed species that are on the federal
14 list that US Fish and Wildlife Service regulates.

15 So we've actually been through three
16 different contacts at Fish and Game. After getting the
17 first one up to speed, we found out that although that
18 group primarily works on former military bases, this is no
19 longer part of the program, so they don't have funding to
20 review this site.

21 So then they had to talk to another group
22 within the Department of Fish and Game and we're in the
23 process of bringing them up to speed, as well.

24 I sincerely think once they get up to speed
25 and understand what's being done at these sites, they'll

1 be appreciative of measures being implemented to expand
2 sensitive and endangered species habitat as well as the
3 measures to make sure we don't have what they call
4 incidental take.

5 There's actually a permit process if we were
6 to take any endangered species at Nike swale and Baker
7 Beach, as part of our project, they have a whole formal
8 review and permit process for that.

9 Right now, the thing is that we can do these
10 projects without incidental take. The Trust is preparing
11 some documents -- the Park Service had prepared some
12 documentation to that effect. So hopefully we can avoid
13 that additional hurdle and continue moving forward.

14 So at this point we just had a lot of those
15 little tiny obstacles come up with the different agencies
16 and providing them with information.

17 We've devised this initial study, added some
18 language here and there to make sure concerns get
19 addressed, but if you'd asked me on Friday, I would not
20 have been too optimistic about us getting this out on our
21 schedule, but because a couple things have fallen in
22 place, we're still hoping and still slightly optimistic.

23 I think at this point if there are delays,
24 they're going to be relatively minor, so --

25 FACILITATOR KERN: Excellent.

1 MR. BOGGS: -- good news as far as I'm
2 concerned.

3 FACILITATOR KERN: I would -- I don't want
4 to speak for the whole group, and hopefully many of you
5 will also commend Bob for all of this work trying to
6 manage all these agencies and to do the outreach for us.
7 It's really appreciated --

8 MR. BOGGS: Mm-hmm.

9 FACILITATOR KERN: -- given the huge number
10 of sites in a short amount of time. So very much
11 appreciated.

12 MR. COOPER: He's been burning the midnight
13 oil over the last couple weeks most definitely, so we
14 really appreciate it.

15 FACILITATOR KERN: That kind of brings us
16 back to once you've got that done, then there's the actual
17 Remedial Action Plan, which I understand you may have some
18 comments on that.

19 Do you -- can you tell us the scope of your
20 comments or are we in a position to be able to go to the
21 printer next week?

22 You know -- we've got all these dates that
23 we haven't -- we talked about when you weren't here. We
24 were conspiring to have me call you and say maybe this
25 Thursday we can -- we can get a laptop and just make the

1 corrections right into the document.

2 Can we plan something like that?

3 MR. BOGGS: We have a meeting Thursday. We
4 talked about setting one up on Monday, as well. I -- part
5 of the problem is is some of the changes that have gone
6 into this initial study do need to be incorporated into
7 the RAP.

8 Some of the language as far as like the RAP
9 doesn't talk to if we find a human bone, we actually have
10 to do things, and if it's not written into the RAP, you
11 know, we have to call the coroner's office, et cetera.

12 Some of these things can go by just being
13 referenced in the initial study, but some have to be
14 incorporated into the RAP.

15 So there's things like that that we're still
16 going to have to -- some of those still might be pretty
17 easy to just incorporate into the RAP.

18 Every site where we're excavating, we put
19 the same paragraph that says if we find a human bone,
20 we'll contact the coroner's office. If it turns out to be
21 a Native American bone, then we contact another
22 commission, et cetera.

23 So part of it is incorporating these things
24 into the RAP in here so that we don't have to write a
25 mitigation measures plan, mitigation measures monitoring

1 plan and which what's called a conditional approval for
2 the RAP, basically that all these mitigations get
3 incorporated.

4 So we have a meeting set up for Thursday
5 after the summit meeting to discuss however far I am in my
6 comments, and then we've agreed to finish them up by
7 Monday.

8 That doesn't prevent us from running into
9 comments from Fish and Game by mid next week that we would
10 want to secure and get into here.

11 In discuss -- I had a conference call with
12 my management and our CEQA people today. There's a number
13 of -- we worked out some language, so there are things
14 that we can just write in here so that they -- it's
15 situated so that they will be handled. They don't have to
16 necessarily get handled before we go to press.

17 So we're kind of creating that back door so
18 that we can make sure all those I's get dotted.

19 So I'm thinking Monday's when we're going to
20 be able to finalize the comments on the RAP and the
21 initial study, and I do have some moderate concerns about
22 how some of our previous comments were handled with the
23 RAP, but there's nothing that's a show stopper. There's
24 nothing that's going to change the remedies. There's
25 nothing that's going to cause any delays, significant

1 delays, but the consultant may have to jump pretty high.

2 FACILITATOR KERN: So I know this is
3 probably more detail than a lot of the folks here may want
4 to know, but can we -- this is -- I mean, the document is
5 this big, you know. It's huge.

6 MR. ULLENSVANG: Here's the document.

7 FACILITATOR KERN: That's right, and
8 I've, you know, witnessed these -- these wholesale -- the
9 whole thing goes back.

10 Are we talking about that kind of process or
11 can we do something intermediate to the -- do you have a
12 feel for that?

13 MR. BOGGS: Well, it's not a wholesale
14 revision. Some of the issues, we'll have to just talk
15 about how to best handle them rather than -- there's a
16 couple issues that would typically send it back, but
17 because of the time frame and because they are not going
18 to change the actual remedy, we need to find a way to work
19 out those differences and still have the document move
20 forward, but I don't see a wholesale change, but there's a
21 few things that do absolutely -- paragraphs, pages that
22 need to be added and modified.

23 FACILITATOR KERN: Okay. Well, it seems
24 like between the meetings that you have set up, it should
25 make good headway, as long as -- one of the

1 recommendations or one possibility was that could we have
2 consultants there to work on it, you know, concurrently
3 with things that are happening? I mean --

4 MR. BOGGS: I don't -- there will be a few
5 changes that are kind of those oh, yeah. There's a typo
6 on this page and oh, yeah. We need to change this to
7 that, but I think it has more to do with issues of how
8 we're going to handle them.

9 For example, at sewer station 1, we kind of
10 defined limits on how far we'll go, but we really haven't
11 addressed how do we handle those parts where we're not
12 going to go just because there's asphalt covering it, and
13 it's not spelled out in there that those would be handled
14 in RAP 4, 5 or whatever.

15 It's just left hanging, and so there's
16 things like that that we'll need to talk about appropriate
17 language, decide on it and then we can draft it and give
18 it to the consultant to incorporate.

19 MR. ULLENSVANG: I think one of the things
20 that we might be able to do is have enough resources there
21 to draft it realtime such that we don't have to leave to
22 review it.

23 MR. BOGGS: Right.

24 MR. ULLENSVANG: Somebody has to go in the
25 next room and think how to write the paragraph and come

1 back and here's the paragraph.

2 MR. BOGGS: I anticipate the consultants
3 being there and doing as much of it as they can.

4 MR. COOPER: I'll let them know.

5 FACILITATOR KERN: Great.

6 MR. BOGGS: Part of my questions have to do
7 with the consultants and what they were thinking.

8 FACILITATOR KERN: Sara.

9 MS. SEGAL: I have a question. Based on
10 the presentations to the community groups and Brian's
11 discussion of the sole source guys with the spider
12 machines --

13 MR. ULLENSVANG: Excavators.

14 MS. SEGAL: Whatever they're called. The
15 president of the company's involved, blah-dee-blah. Are
16 those folks experienced in CEQA issues?

17 MR. COOPER: No.

18 MS. SEGAL: Never mind. I thought we
19 could --

20 MR. COOPER: Two different consultants,
21 yeah.

22 MS. SEGAL: So the guys that are actually
23 running the cleanup machines aren't really -- don't have
24 anything to do with CEQA? They just follow what's exactly
25 told to them?

1 MR. COOPER: They don't bring the CEQA
2 compliance documents. Then we tell them the CEQA says
3 this. You've got to --

4 MS. SEGAL: I understand. I was just
5 trying to find a link to get the CEQA stuff, making sure
6 that it's going to --

7 MR. COOPER: Fully integrated.

8 MS. SEGAL: Thanks.

9 FACILITATOR KERN: Good. It sounds like we
10 can have some resources and people will do -- get as much
11 of that, you know, address as many of the comments.

12 And do you have any comments, Brian?

13 MR. ULLENSVANG: Yeah. I have comments,
14 too.

15 FACILITATOR KERN: So maybe those can be --
16 as much of it can be resolved and we can push the
17 schedule.

18 MR. BOGGS: No show stoppers?

19 MR. ULLENSVANG: No show stoppers.

20 MR. BOGGS: Okay. Good.

21 FACILITATOR KERN: Are there any other --
22 before we leave this topic --

23 MR. BACH: So it looks like Thursday's
24 going to be a deadline all night burner busy day?

25 MR. BOGGS: Between the summit meeting and

1 the RAP 3.

2 MR. BACH: Out of curiosity, what's the
3 timeline for the summit meeting?

4 FACILITATOR KERN: 1:00 to 3:00 is what we
5 have scheduled.

6 MR. BACH: And then this other meeting
7 picked up at 3:00?

8 MR. BOGGS: Yes.

9 MR. BACH: You guys will be primed.

10 FACILITATOR KERN: Absolutely. All right.

11 MR. BERMAN: Just one minor question --

12 FACILITATOR KERN: Sam.

13 MR. BERMAN: -- if I could.

14 Given -- I learned something which I thought
15 I should have known, and that is the involvement of the
16 other state agencies in order to really secure passage,
17 and now that -- now that that's been brought out and I
18 understand a little bit more about that process, looking
19 ahead at RAP 4, shouldn't -- shouldn't that really be laid
20 out in a little bit more of a formal matter so that, in
21 fact, it may be useful to have somebody from another
22 agency that hasn't participated in the summit meeting
23 actually come there?

24 Because the force of those other agencies
25 wanting to move forward rapidly is something that -- that

1 could be transferred to an agency which is involved in
2 the -- in the sign-off, so to speak, but has not been
3 really -- is not really up to speed on the urgency.

4 MR. BOGGS: Potentially, yes, but the lack
5 of foresight on our part doesn't constitute an urgency on
6 their part.

7 In this particular instance, we are getting
8 some good support as far as their understanding our
9 urgency to get this work, particularly Baker Beach
10 completed before the rainy season.

11 The biggest thing I think is when we know --
12 and I've mentioned this before. The previous RAP, we ran
13 into the SHIPO, and that caused a significant delay, and
14 so similarly we should have expected some of these things.

15 Now the SHIPO hurdle we've now crossed and
16 we've learned how to address their concerns up front.
17 We've actually -- Trust has a working agreement with them.

18 I think with RAP 4, Fish and Game, we need
19 to bring them up to speed fairly early. They need to get
20 involved. We have a stream that they're concerned with in
21 Lobos Creek that may be or may not be affected by what's
22 in language at landfill 10.

23 We've got endangered species habitat with
24 the dunes there and lessingia.

25 So there's significant concerns we have. We

1 just need to get them involved earlier so they can learn
2 earlier, rather than make them jump really fast.

3 We need to --

4 MR. BERMAN: I understand. I think that's
5 what we learned, but my question is: In order to expedite
6 that, would it be useful to ask them to participate in the
7 summit meeting?

8 I mean, it seems to me that summit meeting
9 did have some degree of success at really showing that the
10 urgency was meaningful and, you know, -- so I think that
11 somehow -- from what you say, that there would be benefit
12 in at least having Fish and Game present at the summit
13 meeting.

14 MR. BOGGS: At this next one, maybe --

15 MR. COOPER: Not at the April 12th one, but
16 sometime --

17 MR. BERMAN: Not at that, but sometime --

18 MS. NEWTON: At RAP 4?

19 MR. BERMAN: -- even before then just to
20 get them on board so that we know that they're important
21 and there are RAP 4 issues that may require significant
22 interaction.

23 And so we -- I would think at the next
24 summit meeting, if it was appropriate, that maybe adding
25 them to the list of attendees would help that process.

1 MR. BOGGS: Yeah. I think if we do have a
2 summit meeting that would include RAP 4 on the agenda,
3 that it would be beneficial to invite them.

4 Again, that's an introduction to the
5 management level of where we're going, what the project
6 is, getting a management buy-in. I think that is a good
7 idea.

8 MR. BERMAN: So just along that line,
9 Craig, I wanted to ask you a question. Now that you
10 recognize all this -- this other loosely affiliated state
11 agencies that can wreak havoc if they want to, do you have
12 in mind a kind of guide book principle that you're going
13 to use in the future which says here's how -- I've got a
14 plan now of how to deal with all these external pressures
15 that -- that can affect the program in some way so that,
16 you know, you really have a roadmap in front of you of how
17 to do this?

18 MR. COOPER: I think what we'll do is when
19 we sit down and scope out, you know, RAP number 4, we can
20 keep a CEQA checklist, you know, and CEQA related agencies
21 in mind.

22 We don't want to be contacting all these
23 state agencies in advance, but some issues will jump out
24 to us, just as Mark said. The ones that jump out, let's
25 do some advance work with those agencies just so --

1 MR. BERMAN: So you're comfortable, because
2 it seems to me this was a bit of a learning process for
3 everybody to recognize the importance of some of these
4 other agencies and --

5 MR. COOPER: It didn't seem to -- on RAPs 1
6 and 2, it didn't seem to happen this way.

7 MR. BOGGS: We got lucky in RAPs 1 and 2 in
8 the -- maybe our CEQA people weren't so overwhelmed with
9 what was presented to them.

10 Unfortunately, I think what happened is they
11 saw so much documentation, so much work done, they
12 thought -- and there's so many sites, so much volume, oh,
13 there's got to be environmental impacts. We're going to
14 have to do an Environmental Impact Report for this site.

15 That was their initial reaction, whereas in
16 the previous RAPs, it was just like two or three sites,
17 oh, they've addressed these concerns. No big deal.

18 It went to these agencies as part of the
19 clearing house CEQA process, and although the SHIPO got a
20 little flag and slowed down dramatically our fillsite 6
21 project six months --

22 MR. COOPER: Mm-hmm.

23 MR. BOGGS: -- we got lucky that Fish and
24 Game, really lucky at 6 and A that Fish and Game -- nobody
25 raised a red flag and said, "Wait a minute. You're

1 putting in a stream here. We got to know this, this and
2 this and you got to do this and this and this and all
3 that."

4 So I think we got lucky. That's just my
5 opinion, because a lot of times EIRs or CEQA documents
6 come through. It's on the bottom of the pile. They
7 glance at it, spend an hour looking at it. Nothing stands
8 out at them and they just approve it, but in retrospect, I
9 think if Fish and Game had been aware of some of those
10 projects, they would have stepped up and just made sure we
11 were addressing their concerns.

12 They wouldn't have stopped the project, but
13 they would have --

14 MR. BERMAN: Right. But we're looking for
15 more rapid implementation of the whole program, and so
16 looking at these, I would say, management issues in
17 advance as much as possible seems to me to be --

18 MR. BOGGS: I think's also staff level
19 operating. The biggest part of the staff level operating
20 ID. We need to -- as Craig said, if we know there's Fish
21 and Game concerns, get them involved early.

22 The SHIPO, we don't have to get them
23 involved early anymore because we've developed a roadmap
24 with them, and maybe out of this process with Fish and
25 Game, we'll develop a nice roadmap which would be ideal.

1 I think we've developed a roadmap with NOAA
2 as part of this process, so I think there's some good
3 things coming out of this, but I think part of it's just
4 our staff level foresight of getting them involved.

5 I think management, you know, if at some
6 point Fish and Game just starts dragging their feet for
7 some reason, then yes, let's elevate it to management real
8 quick, but at this point, I think it's just acknowledging
9 the other agencies and their process and giving them what
10 they need early on.

11 FACILITATOR KERN: I need to move the
12 agenda so we have a little bit of time left for promised
13 items.

14 Before we do that -- and much appreciation
15 for the work again that you're doing to get all this done,
16 Bob, and we're looking forward to an active Thursday
17 coming up.

18 Devender, we did focus on this RAP document.
19 I wanted to give you a few minutes if you had anything
20 with the ongoing petroleum program, if there was anything,
21 any reports, anything that you wanted to talk about.

22 MR. NARALA: Yes. In fact, I believe all
23 the RAB members got a copy of the eco report I sent you
24 and Mark, the regular stakeholders here.

25 The way that this come out is my supervisor

1 meets with the duty officer every week, and in the
2 meetings, she -- she updates him about all the projects
3 and a couple of times she said summit meeting and summit
4 meeting and all of us in the executive office what are the
5 summit meeting, I want to know more about it.

6 So that's when I called -- sent an e-mail
7 to -- Doug and Mark helped me out what it is, how it came
8 about.

9 I hope I took all the information that you
10 gave me and turn it around in a different format. I
11 didn't -- if I did it, I'm good. If I did not, please let
12 me know. I try my best, and they wanted it -- this
13 information is given to eco and he shares it with the
14 board members.

15 So they don't have too much time to go
16 through all the details, so we want to make it eye
17 catching and they will read it and they say if they have
18 any questions.

19 So I really thank Doug and Mark and helping
20 me out, and Craig, also. So if you have any questions on
21 that, please let me know, and if you have not seen it, I
22 can always send you a separate copy of it.

23 Other than that, Craig's keeping my busy.
24 He hasn't called me.

25 MR. COOPER: I've been on the phone with

1 Bob the whole time.

2 MR. NARALA: It's good for me. I do my
3 reports. I'm catching up on my work.

4 FACILITATOR KERN: Very good. Well, we
5 appreciate the -- you know, the commissary project, I
6 guess, has been ongoing and there have been some reports
7 coming out about that, so we know you're working on that.

8 MR. NARALA: Commissary PX is going on. We
9 have regular daily meetings. There are quite a few sites
10 there. There are a couple open pretty soon.

11 MR. COOPER: We're getting near the end.
12 The end is near. Light at the end of the tunnel.

13 FACILITATOR KERN: So thank you for your
14 help on that.

15 I guess the new business is that we have a
16 meeting of some kind tomorrow in Sacramento that we're
17 going to attempt to do something with. This is with the
18 Mountain Lake project, and it's -- Michelle, before you
19 got here, some folks raised some questions and Devender
20 had a comment that he learned sort of through the
21 grapevine that it was somebody at Caltrans that was saying
22 hey, we've got this \$700,000 and nobody's asking us for it
23 and we have our best people now working on that program to
24 find out what that is about, but you have been telling us
25 a little bit about something that may happen tomorrow and

1 maybe we can still react to that.

2 Can you tell us a little more about that?

3 MS. PASSERO: Actually, it may be a little
4 late at this point, but usually during budget hearings,
5 you can at least have some of the committee members that
6 have been part of the subcommittee budgets and Caltrans,
7 you can have sort of a dialogue with them and question
8 them about how they're spending their money, how the
9 processes are going.

10 It's a good way sometimes to push them along
11 with certain issues, and so tomorrow is a subcommittee
12 hearing for Caltrans in the Assembly. I think the Senate
13 one's already passed.

14 So you do have to sort of prep the committee
15 members and talk to the staff people so that they're on
16 board, you know, ask the right questions and anticipate a
17 certain response on it.

18 There potentially may be some other venues
19 coming up. I don't know. I have to talk to people.
20 That's one venue.

21 Sometimes even if you don't want
22 legislation, if you can't get legislation, you can get a
23 dialogue and get legislators to apply pressure because
24 they can also hold up their budget.

25 FACILITATOR KERN: So it sounds like for

1 tomorrow, we may not have -- it may be too late, but it
2 could be a good red flag for us to be organized and maybe
3 be a little bit more proactive about contacting some of
4 the committees or --

5 MS. PASSERO: Yeah, yeah. It might not be
6 too late. I can ask some people, because there will still
7 be ongoing -- the budget goes through July, but I don't
8 know.

9 It does have to sort of climb the ladder of
10 importance for people who are working on the budget, but
11 just talking to some staff people -- and you can still
12 maybe if it's not on the record kind of hearing, there
13 might be some other discussions that can be made
14 throughout the process.

15 It's just a matter of making this
16 communication and really clearly explaining the issues,
17 and you can probably still ask some questions, so there
18 might be still some opportunities.

19 FACILITATOR KERN: Is there somebody,
20 Craig --

21 MR. BOGGS: I was just going to add a
22 little bit to it. Just two weeks ago, I spent over three
23 hours with a Caltrans attorney regarding Mountain Lake.
24 They are pursuing an agreement with my agency so that they
25 can have a considerable amount of my time related to that

1 project, so you may want to talk to me tomorrow and I can
2 fill you in on where they're entrenched in some of their
3 positions on Mountain Lake itself.

4 They primarily have to do with setting
5 precedent nationwide for contamination from roadways,
6 which would affect every roadway across the nation.

7 So they're pretty unwilling -- they've got
8 their feet -- heels firmly dug in that this will not be
9 about setting precedent in that arena and they feel
10 confident in their understanding of the law in this arena
11 and their permits and what's written into the law.

12 That doesn't preclude them coming to some
13 sort of financial agreement with the Trust that doesn't
14 set legal precedent, but if you want to talk more, I can
15 give you some details on what was said and discussed and
16 where Caltrans is going with that.

17 MS. PASSERO: Okay.

18 MR. BOGGS: I don't know if it will help
19 you with what you have planned to discuss up in
20 Sacramento, but it may.

21 MS. PASSERO: No. That would be helpful.

22 And just finding someone, I think, on a very
23 basic level, someone who really cares about this project
24 in the state legislature and, you know, maybe that's
25 something that the RAB could help with, because when you

1 do have someone willing to do that, then they can help
2 identify venues and things and sort of be the champion for
3 it.

4 FACILITATOR KERN: Jan.

5 MS. BLUM: Since Jim Ponton was the one
6 that developed the grant, I'm wondering if it would be --
7 if there's anything that he can do on our behalf at this
8 late hour.

9 Can he call his contact at Caltrans?

10 MR. NARALA: I will do that. I'll do that.

11 MS. BLUM: Because there was a promise made
12 and it was just a promise, so I don't know what happened.
13 None of us know who said take it, but it was a promise.

14 MS. PASSERO: Someone could try to make a
15 phone call tomorrow morning, I don't know, but it -- I
16 don't know if it will maybe get --

17 MR. BUDROE: Well, the -- essentially the
18 agenda for the hearing tomorrow is probably going to be
19 the Caltrans' budget in general. Maybe the TEA grants are
20 going to be one of the things that they're going to talk
21 about, but they're probably not going to talk about
22 specific applications.

23 MS. PASSERO: Maybe not, but they'll talk
24 about how they're handling the application process.

25 MR. BUDROE: Okay.

1 MS. PASSERO: So they can sort of flag it
2 if they haven't handled it appropriately and, you know, if
3 there's agreement or money that had been dedicated and
4 withdrawn, there's an issue around that, then -- then they
5 would flag it as we're giving this money.

6 You haven't spent it, you know, and in fact
7 you dedicated -- for example kind of thing.

8 MR. BUDROE: Mm-hmm.

9 MS. PASSERO: You know, that would be it.

10 MS. SEGAL: Do we even know that the money
11 was dedicated and withdrawn? The issue seems to be --
12 maybe I'm wrong. There's a lot of issues, but if Caltrans
13 gives a TEA grant to the Trust for the purpose of some
14 mitigation at Mountain Lake, the question is: How can
15 they give TEA grant money without setting a precedent that
16 says we're responsible --

17 MR. BOGGS: Two different issues. TEA
18 grant is one issue and how that -- what kind of projects
19 qualify for that money that they were awarded.

20 In the meantime, the Trust is pursuing a
21 lawsuit with Caltrans to get millions of dollars.

22 MS. SEGAL: Okay.

23 MR. BOGGS: Not just thousands.

24 MS. SEGAL: I understood when the
25 application of the TEA grant was made, the language was

1 very clear or maybe not so clear, but trying to make it
2 clear on the language of the application that wouldn't set
3 the precedent, I mean, that would really distance itself.

4 MR. BOGGS: The grant is completely
5 different.

6 MS. SEGAL: So I don't even know that we
7 know that there was a commitment made and withdrawn. Why
8 is it such a mystery? If an application was made and it
9 was approved, why is it such a mystery?

10 MR. COOPER: I don't remember even getting
11 a written letter from Caltrans. I remember some e-mails.
12 He certainly said it at a meeting a couple times.

13 Doug, were you present at meetings where it
14 was talked as if it was a done deal? I don't know if you
15 were attending meetings.

16 FACILITATOR KERN: We were at that kind of
17 a meeting where it was announced that we've got it. I
18 mean, we have it, but I'm not seeing any paperwork on it.

19 MR. BERMAN: There is a specific piece of
20 paperwork, which is that you had to reply to them with a
21 specific statement --

22 MR. BOGGS: Qualifying project.

23 MR. BERMAN: -- about what you would do
24 with the money.

25 MR. COOPER: Which I did do.

1 MR. BERMAN: So there is a piece of paper
2 there that acknowledges a consideration for that money by
3 Caltrans with a reciprocal action by the Trust has
4 actually occurred.

5 MR. BOGGS: I seem to recall also, though,
6 that your initial proposal for that money wasn't
7 acceptable under the grant guidelines.

8 MR. COOPER: Right. First my -- my first
9 project was going to be the storm drain reroute,
10 redirection project, but we had a backup project in that
11 application for the restoration of east storm drain.

12 Remember I actually transferred the whole
13 program over to Terry Thomas' and said you're going to get
14 the money. It's going to go to the east arm project.

15 I don't know if this is too much detail, and
16 then that kind of went over to Terry Thomas and then Nadal
17 was meeting with Tanya Pollock and that kind of stopped,
18 and then remember about six months ago Caltrans said --
19 we've changed our mind. We're going back. We can fund
20 the storm drains project now, and I actually went to
21 Oakland to a meeting with Caltrans where we scoped out the
22 storm drainage project again and I had to resubmit the
23 project application for storm drains only project and then
24 it just once again, they stopped calling.

25 I called several times like okay. What do I

1 do next, you know, and it never happened.

2 There was this -- we never got to the point
3 of this vehicle where they were going to have this funding
4 where we talked about the scope. There was going to be
5 this grant fee -- this document that actually transfers
6 the money over.

7 We never quite made it there. The
8 discussions always kind of fizzle out and stop. They
9 stopped returning calls when it reaches a certain stage.

10 MS. NEWTON: The phone call from Devender
11 must have something to do with that money.

12 MR. COOPER: The guy seemed to know what
13 project we're talking about, and I can't believe that
14 they're waiting for me to call. I find that mind blowing.

15 MR. BERMAN: I'll venture a hypothesis. At
16 the hearing tomorrow, one of the discussion items is --
17 is -- are the procedures for transferring money flowing
18 according to -- and somebody got flagged and said, "Hey,
19 have you done this job?" and that they're worried about
20 this item coming up as an example at the hearing tomorrow
21 and that's why you -- why Devender got this call, because
22 somebody's -- hasn't done their job and they're worried
23 that it actually might come up in the -- the hearing,
24 which is great because that means that it's still a very
25 active issue, and with a little bit of nudging, that the

1 money might come over.

2 It would seem to me, just as -- I'm standing
3 on one foot and thinking out loud -- that -- that Craig,
4 that you could write a note to this person that Devender
5 is going to --

6 MR. NARALA: Tomorrow.

7 MR. BERMAN: -- tell you who it is that
8 "we've been waiting to hear from you. You have our
9 proposal. We're waiting for a formal transfer of the
10 money. Please let us know when you plan to do this."

11 MS. BLUM: Excellent. It should have come
12 from the environmental lawyer of the Trust.

13 MR. BERMAN: Start with an invitation from
14 Craig, you know.

15 MR. COOPER: Jump from a grant to the
16 lawsuit.

17 FACILITATOR KERN: Craig and Devender, do
18 you feel like you know what you're going to do? I mean,
19 given all that input?

20 MR. NARALA: The first thing tomorrow
21 morning, the moment I go to work, I find out who this
22 person who called and what the phone number is and I pick
23 up the phone and call the person. That's my --

24 FACILITATOR KERN: And then Craig can
25 follow up.

1 MR. BERMAN: You need to get an e-mail
2 address so that then Craig can say, you know --

3 MR. NARALA: I may even try to do a
4 conference call with Craig depending on his schedule.

5 MR. COOPER: Great. I'm there tomorrow.

6 FACILITATOR KERN: Let's move this along.
7 Thanks for all that input and Michelle for your work and
8 continuing to identify these opportunities.

9 MS. PASSERO: I'll e-mail the -- I'll
10 figure out the staff person and I'll send it to Craig and
11 Devender if you guys want to sort of -- I don't know if
12 they'll do anything in the last minute, but he'll be put
13 on notice.

14 MS. SEGAL: Whose Assembly district is
15 Mountain Lake in? I don't know. Do we know the name of
16 the Assembly person?

17 MS. PASSERO: Leno.

18 MR. COOPER: Mark Leno?

19 MS. SEGAL: I didn't think he has the whole
20 City.

21 MS. PASSERO: I thought he did.

22 FACILITATOR KERN: Julian.

23 MR. HULTGREN: Will Devender be able to
24 find out what happens tomorrow at that meeting? Because
25 that seems to be about the most important thing right now.

1 MR. COOPER: That's a different question.
2 That's harder. The Caltrans appropriation hearing that
3 Michelle was talking about?

4 MR. HULTGREN: At the hearing that we're
5 all talking about in Sacramento.

6 MR. BUDROE: That's disconnected. They're
7 not going to talk about that application specifically.

8 MR. HULTGREN: That's what I'd like to know
9 what this conversation is about, if that meeting in
10 Sacramento is not of some importance, and if it is of
11 importance, we better find out what goes on.

12 MR. BERMAN: It's just procedural, you
13 know. The reason why I suggested that is that somebody
14 may be worried that their procedures for moving the grants
15 are stalled or are not -- money that's been already
16 appropriated has not been obligated.

17 MS. SEGAL: Right.

18 MR. BERMAN: That's an issue that could
19 come up in a committee meeting without being -- you know,
20 without actually pointing to anybody, so -- so I don't
21 know if our TEA grant issue would come up specifically,
22 but just -- it's possible that procedural issues will be
23 discussed because if there's still a whole bunch of money
24 in BA and it isn't in BO, they're going to say what's
25 going on?

1 FACILITATOR KERN: Michelle.

2 MS. PASSERO: Again, they approve their
3 budget for the following year. If they haven't handled
4 the money appropriately, then it can -- they could lose
5 some of the money that they typically get.

6 FACILITATOR KERN: We don't have anybody
7 necessarily at the meeting tomorrow, so we're going to --
8 I guess the answer to Julian's question is we've got to do
9 the best with these contacts --

10 MR. BERMAN: Right.

11 FACILITATOR KERN: -- that we can.

12 And we're not prepared to go to the meeting
13 and influence it, so I think that's a lost opportunity.

14 All right. Closing down the meeting. My
15 action item to call Bob has been checked off. I can still
16 call you.

17 MR. BOGGS: Yeah.

18 FACILITATOR KERN: Say hi.

19 There was another action item that I had
20 written down that Craig and Brian needed to get their copy
21 of that document.

22 MR. COOPER: The initial study.

23 FACILITATOR KERN: They got their copies.

24 MR. BOGGS: He's got his. Brian's here.

25 FACILITATOR KERN: Another item checked off

1 the action item list.

2 So as far as action items, we have the
3 summit meeting and, you know, the list of dates coming up
4 and a variety of things get done.

5 I want to just commend the whole team on the
6 process that we're going through and pulling this -- this
7 really tough project together, and we've still got a
8 little ways to go.

9 If everything is on track, the next time we
10 get together for this meeting is right after we've had the
11 public meeting for RAP 3, so I would encourage you to come
12 to that meeting if you can, which would presumably be a
13 little bit earlier.

14 MR. COOPER: Right.

15 FACILITATOR KERN: And that notice has got
16 to go out quick -- pretty quickly so they hear about it,
17 and you'll have the opportunity to make a public comment
18 at that meeting.

19 Are there any other items? Brian.

20 MR. ULLENSVANG: At the last committee
21 meeting, we talked about a site tour.

22 Is that still going to happen? People still
23 want to do that?

24 MS. NEWTON: At 5:30.

25 MR. COOPER: 5:30 on the 24th.

1 MR. ULLENSVANG: For the committee meeting.

2 MR. COOPER: Yeah.

3 MR. ULLENSVANG: I don't know that everyone
4 knew that.

5 MR. ULLENSVANG: And we were going to focus
6 on RAP 3 sites, and somebody is going to get a van. We
7 need a head count.

8 MS. BLUM: Do you want to send out a memo
9 about that?

10 FACILITATOR KERN: That happened at the
11 last committee meeting.

12 MR. ULLENSVANG: That did.

13 FACILITATOR KERN: And we did it near the
14 end of the meeting and we said -- it happened rather
15 quickly that a good tour date would be at the beginning or
16 just before the next committee meeting.

17 So --

18 MS. SEGAL: So 5:30 on the 24th is what
19 we're looking at?

20 MR. COOPER: Right. I'll try to get a
21 reminder and get some RSVPs. Leaving from building 1750.
22 That way you just park your car once.

23 MS. BLUM: An action item that should stay
24 on as an action item is completion of the next matrix, and
25 actually maybe we should just keep Mountain Lake on the

1 follow-up action item so we can get ahead of that.

2 Whatever it takes to get ahead of Mountain Lake.

3 I'll be happy to, you know, help you or
4 something if we can just get ahead of the curve.

5 FACILITATOR KERN: To follow up on that, I
6 would encourage -- I don't know the details of what Bob
7 knows about that, and the more we know, the more it will
8 help us about the whole Caltrans situation.

9 All right. So I've added -- unfortunately I
10 thought I had that action item list clear, but now I've
11 added a couple of things back to it.

12 MR. BERMAN: Doug --

13 MS. SEGAL: Doug.

14 MR. BERMAN: Go ahead.

15 MS. SEGAL: Talking about the hurdles on
16 the RAP 3 and the initial plan, do we anticipate, I know
17 sometimes the Corps doesn't work that fast. On the 404
18 permit, you're working on it.

19 You'll need that before the July
20 construction start date for Baker Beach 1?

21 MR. COOPER: I do not believe I will need
22 to get a 404 permit.

23 MS. SEGAL: You don't think you'll need it.

24 MR. COOPER: It's just a matter of getting
25 it in effect.

1 MS. SEGAL: Okay.

2 FACILITATOR KERN: Another comment.

3 MR. BERMAN: As a potential action item
4 that you actually brought up, but didn't write down, which
5 is having a presentation by the --

6 FACILITATOR KERN: Oh, yes.

7 MR. BERMAN: -- president of the company
8 that's doing the extraordinary excavation work on Baker
9 Beach, so -- and that might be appropriate for a committee
10 meeting if you thought so, but --

11 MR. COOPER: Yeah.

12 MR. BERMAN: -- that would be --

13 MR. ULLENSVANG: Which would be the group
14 before? Committee meeting or RAB meeting?

15 MR. BERMAN: Which do you think is the most
16 appropriate yourself?

17 MR. ULLENSVANG: I think either would work.
18 We get better -- more people attend the RAB meetings than
19 the committee meetings, but I'm sure he'd be welcome to
20 come to either.

21 MR. BACH: Which is the most expeditious
22 given the timeline?

23 MR. COOPER: His schedule's going to have
24 to work in.

25 MR. ULLENSVANG: He travels a lot. He is

1 actually not located in the Bay Area, so it will mean --
2 we probably will not get him to both the committee meeting
3 and the RAB meeting, and I would just presume you'd want
4 to have that before the construction started. So I would
5 only envision once.

6 MR. BERMAN: So then the possibility would
7 be at the next actual contact RAB meeting, which would be
8 the second Tuesday in June, because by then, we would know
9 whether construction is actually going to begin --

10 MR. COOPER: Right.

11 MR. BERMAN: -- and we would have -- you
12 know, if everything -- if the Corps themselves know
13 something.

14 MR. ULLENSVANG: Why don't we learn his
15 schedule and plan accordingly.

16 MR. COOPER: First out of the box we'll
17 recommend June 12th and see where we go from there.

18 FACILITATOR KERN: Thank you, guys, for
19 taking that on. That sort of untakes it off my list.

20 All right. Again, thanks very much for all
21 your participation tonight, and we're looking forward to a
22 busy month coming up. Congratulations on the start now of
23 our 14th year, and without objection, meeting adjourned.

24 (The meeting concluded at 9:13 PM).

25 `---o0o---

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3
4 I, the undersigned, hereby certify that the
5 discussion in the foregoing meeting was taken at the time
6 and place therein stated; that the foregoing is a full,
7 true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the foregoing
10 meeting and caption named, or in any way interested in the
11 outcome of the cause named in said action.

12
13 IN WITNESS WHEREOF, I have
14 hereunto set my hand this
15 _____ day of _____,
16 2007.

17
18 _____
19 Mark I. Brickman CSR No. 5527
20
21
22
23
24
25

<p>A</p> <p>able 19:10 30:7 56:25 60:20 62:20 64:20 85:23</p> <p>absence 13:17 15:25 57:3</p> <p>absent 42:13</p> <p>absolutely 8:1 34:24 43:2 63:21 67:10</p> <p>accept 16:9,11,11 17:23 18:3</p> <p>acceptable 82:7</p> <p>accepted 39:8</p> <p>access 48:24 49:23</p> <p>accommodating 16:2</p> <p>accomplished 46:10 57:8</p> <p>accountable 17:4</p> <p>accounting 16:25</p> <p>acknowledge 16:7</p> <p>acknowledges 82:2</p> <p>acknowledging 73:8</p> <p>act 19:12,21 20:23 21:7 21:21 22:15,23 23:2 46:9</p> <p>action 3:15 25:7,14,20 40:21,23 42:8 54:18 60:17 82:3 87:15,19 88:1,2 89:23,24 90:1 90:10 91:3 93:11</p> <p>active 50:6 73:16 83:25</p> <p>actively 57:10</p> <p>actual 48:8 60:16 63:18 92:7</p> <p>add 6:18 77:21</p> <p>added 42:16 59:17 63:22 90:9,11</p> <p>adding 69:24</p> <p>addition 40:9 54:15</p> <p>additional 59:13</p> <p>additions 4:17</p> <p>address 57:14 66:11 68:16 85:2</p> <p>addressed 58:2 59:19 64:11 71:17</p> <p>addressing 72:11</p> <p>add-on 51:6</p> <p>adjourned 92:23</p> 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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, MAY 8, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

RAB Members:
Doug Kern, Facilitator
Mark Youngkin
Craig Cooper
Brian Ullensvang
Bob Boggs
Devender Narala
Peter O'Hara
Julie Cheever
Sam Berman
John Budroe
Michelle Passero
Edward Callanan
Bob Bach
John Chester

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BE IT REMEMBERED that, pursuant to Notice of the Meeting,
and
on May 8, 2007, at the Officer's Club, Building 50, Presidio of San
Francisco,
California, before me, MARK I. BRICKMAN, CSR No. 5527, State of
California, there
commenced a RAB meeting under the provisions of the Presidio Trust.

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AGENDA

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1 FACILITATOR KERN: Welcome, everybody.

2 This is the regularly scheduled meeting of the Presidio
3 Restoration Advisory Board for May 2007, and probably for
4 the first time in our recorded history, there's not a
5 female representative here to start the meeting. Amazing.
6 But they'll arrive, I'm sure.

7 I'd like to welcome to Presidio Trust, the
8 National Park Service, the Water Board and the Department
9 of Toxicology -- not here yet -- the community members of the
10 RAB and any members of the public we might have here
11 tonight.

12 Are there any changes or additions to the
13 agenda?

14 I would like to add to the agenda at some
15 point when we have Bob -- when he arrives to throw out
16 some tentative pre-summit meeting dates for some folks to
17 get together to discuss some of the actual agenda items
18 that we have here tonight. So we'll do that when Bob gets
19 here.

20 Seeing no other agenda discussion, are there
21 any announcements? Old business?

22 Seeing none, Planning Committee report.

23 MR. YOUNGKIN: Actually, I missed that
24 meeting.

25 FACILITATOR KERN: The last meeting, we

1 discussed the upcoming RAP3 and we talked about -- that
2 the next time that we might get together, this could have
3 been the public meeting, but that was delayed, and so the
4 public meeting for RAP3 is going to be a week from
5 tonight, and with regard to that, I think it's important
6 that RAB members attend and make public comments about the
7 document, hopefully in support of the document. That
8 would be important.

9 There are -- there is at least a chance that
10 we'll receive last minute comments from members of the
11 public who feel like they may need more information or
12 need more time and we'll want to identify those folks
13 and -- and talk to them about the document, but for the
14 record, we'd like to go on the record talking about the
15 process that we've been through and that the remedies that
16 have been selected are in our view appropriate.

17 So hopefully you can make it a week from
18 tonight. It's going to be --

19 MR. COOPER: Log Cabin.

20 FACILITATOR KERN: Log Cabin, that's right.
21 And the time is?

22 MR. COOPER: Six o'clock.

23 MR. BACH: Where is the Log Cabin, please?

24 MR. COOPER: It's on the other side of the
25 Presidio? It's a little complicated.

1 MR. BACH: I've seen it come up from time
2 to time, but I don't think I've ever visited.

3 FACILITATOR KERN: Also it came up at the
4 meeting quite a long discussion with Mountain Lake, the
5 ongoing saga and interest there, and I think we'll have
6 some report on Mountain Lake tonight and we can discuss
7 what we talked about, but principally there have been some
8 ongoing negotiations around Mountain Lake between the
9 Trust and Caltrans.

10 I think I can say that much, and those are
11 progressing, and Craig will be able to report on that
12 later.

13 That's principally the Planning Committee
14 report.

15 Let's see. Moving on, our reports and
16 discussions. We have tonight -- Craig has put together a
17 presentation. It's a quarterly presentation on all the
18 sites and the cost reporting, and I thought to deviate
19 slightly -- well -- from the agenda, all of these items
20 can be covered within Craig's report, so to kind of
21 squeeze those together and mix and match.

22 One of the things that we always try to
23 report on in a quarterly basis are the costs, and we
24 usually get to those at the end of the night, so I've
25 asked Craig if we can put that up to the beginning and

1 talk a little bit about costs, and then we'll go into
2 RAP3, some of the community outreach things, comment
3 period, signature date, some of the summit meetings that
4 we have planned, and now that Bob's here, welcome. We can
5 possibly work out some tentative meeting times for pre-
6 summit meetings.

7 So if we could modify the agenda slightly to
8 work with what Craig has put together, some of our own
9 questions and then really the principal focus is RAP3,
10 what do we have to do to finish it, and then RAP4, what's
11 kind of coming down the road.

12 So if we could then first start off with
13 Craig's report and the cost part of it, which is usually
14 at the very end.

15 MR. COOPER: So I'm passing around a
16 handout, and so we're going to talk about the financial
17 issues first, and my financial report is not going to be
18 as complete as it normally is, and I'll explain why, but I
19 think this particular handout kind of hits on all the
20 things I think that you guys find most interesting, which
21 is the increases or decreases in cost estimates for our
22 sites.

23 So basically I'll review the process. So
24 every -- you know, every quarter, the Trust issues a
25 quarterly financial status report, which is about thirty

1 pages long.

2 So I issue a quarterly financial status
3 report, and that quarterly report basically goes out about
4 thirty days after the end of a quarter based on a calendar
5 year.

6 So a quarter just ended March 31st, so that
7 means I would basically send out my quarterly financial
8 status report for the second quarter of fiscal year 2007,
9 the first week of May, and now it's May 8th and I still
10 have not sent it out, primarily because I've added an
11 extra step in reviewing the cost data.

12 So to put together a quarterly financial
13 status report, each of my project managers are, you know,
14 assigned to a list of projects, you know, and there's
15 about ninety-five to a hundred charge codes that we have
16 in the remediation program.

17 Each of them are associated with a
18 remediation project, be it CERCLA projects, lead based
19 paints and petroleum, and in every quarter, these -- my
20 project managers meet with Alan Ancheta, who is the
21 remediation department basically bookkeeper, financial
22 advisor and he -- and they -- and the project managers go
23 through their projects and discuss what components of the
24 projects, where there's new information, new technical
25 information that affects cost, new cost information that

1 affects the cost, et cetera that makes the project manager
2 want to deviate from the cost projection they have on each
3 project up or down on what -- how much they think it's
4 going to cost to get final costs -- to get to final
5 regulatory certification at the very end, and so I'm still
6 finding a few hiccups in the process.

7 In fact, I just found out from one project
8 manager she still hadn't costed out one hundred percent of
9 her projects all the way to one hundred percent site
10 certification, so she didn't quite understand that step,
11 but it was not a big deal.

12 I think that will show up here a little bit
13 on some of the stuff.

14 So the project managers meet with Alan
15 individually. Sometimes I'll sit in on those meetings,
16 and then Alan finishes this table that kind of goes
17 through the cost increases and decreases that the project
18 managers are suggesting, and then I review this, and then
19 if I have questions, I go and sit down with the project
20 managers.

21 This table goes through a couple iterations
22 until it then will get translated into the tables that are
23 in the quarterly financial status report, but before I can
24 issue that quarterly report, I sit down with Mike Rothman,
25 who is the CFO of the Trust, and Jeff Deis, who is my

1 boss, the chief operating officer, and we go over all of
2 these reports.

3 So that's a kind that we added to kind of
4 get senior management involved in the development of --
5 and changes to cost estimates.

6 Okay. So I know I don't have -- what's
7 missing here, this is what I kind of do every quarter.
8 What's missing is now where do we stand as far as the
9 grand totals go, and I apologize for that.

10 If I had my last quarter with me, I could
11 see -- I could do some quick math here, but I don't --

12 FACILITATOR KERN: Would you be able to
13 respond to some quick questions?

14 MR. COOPER: Yeah. So I thought -- well,
15 anyway, you can see -- if you want to look at the table
16 itself now, you can see -- again, these are projects with
17 significant upswings or downswings being projected by the
18 project manager, and you can see the program that the
19 project is in, project manager's name, the actual name of
20 the site and then a brief description of what the project
21 manager was encountering, why he or she thinks the cost
22 estimate is going up or down and -- yeah. And that's
23 what -- and then the actual amount.

24 Many of these -- when you get into the
25 CERCLA side of things, they are basically adjustments to

1 RAP3 remedies. So the cost estimate that we're keeping is
2 consistent with RAP3.

3 You know, basically the project managers use
4 cost information that they use -- usually cost estimates
5 from feasibility studies, and then as the feasibility
6 study goes into a RAP, if there's been adjustments to the
7 cost estimate, then we use that Draft RAP because that's
8 our best, you know, cost estimate to the best -- you know,
9 but I do allow the project managers to -- and I'll give
10 some examples -- to adjust cost items that are published
11 in the Draft RAP in the -- in their actual -- in our
12 internal cost estimate, and I'll explain why.

13 Can I give a quick example why?

14 So we use feasibility studies and cost
15 estimates and feasibility studies and cost estimates in
16 RAPs as a basic template to project costs, and then for
17 example -- for an example, down at the commissary PX area,
18 we have I think four CERCLA sites that are inside the
19 commissary PX study area, and many of those CERCLA sites
20 are going to have land use controls associated with them,
21 and when you do a feasibility study in a RAP, you have to
22 show the cost at that CERCLA site individually.

23 So when you do alternatives comparison, you
24 don't -- you know, sort of like the cost of the land use
25 control is charged four times to each of those CERCLA

1 sites.

2 Whereas in actuality now, we're going to
3 write one land use control memorandum to encompass all
4 five, the commissary PX site and the four CERCLA sites
5 inside, or is it three? I forget.

6 So I told the project managers don't put
7 that. You can subtract off that cost and the extra land
8 use control cost in the internal one, even though it shows
9 in the RAP.

10 And there's other places of kind of overlap
11 or where the project manager thinks that the RAP might be
12 overly conservative. But then we write it down if we
13 deviate from the RAP cost estimate.

14 Okay.

15 FACILITATOR KERN: Well, I know I got in a
16 little bit in trouble because I was looking at the
17 projections in the database that Alan had given me and
18 comparing them to some of the latest RAP numbers --

19 MR. COOPER: Right.

20 FACILITATOR KERN: -- and there seems to
21 be -- there's a difference between those numbers in some
22 cases.

23 MR. COOPER: Right. Oh, did we -- I sent
24 that question to Alan and he actually e-mailed me back. I
25 don't remember the answer.

1 FACILITATOR KERN: Right. That was on one
2 of the Baker Beach sites.

3 MR. COOPER: Right. I think it was what I
4 thought, that there was Trust labor or something. Next
5 time you come by the office, let's sit down and we can
6 pull it up.

7 FACILITATOR KERN: That particular one was
8 like a \$650,000 difference.

9 MR. COOPER: Yeah.

10 FACILITATOR KERN: And it wasn't
11 proportional with the other Baker Beach site.

12 MR. COOPER: Right.

13 FACILITATOR KERN: So there was definitely
14 something odd.

15 MR. COOPER: We were putting some costs in
16 Baker Beach 1, allocating the cost of four and they were
17 getting stored in a Baker Beach 1 and I forget what those
18 costs were. We were putting all of those regulatory costs
19 and Trust labor.

20 Alan e-mailed me back. I just forgot to
21 forward that to you.

22 FACILITATOR KERN: I don't want monopolize
23 the conversation, but I -- I just want to spend a few
24 minutes checking some of these.

25 MR. COOPER: Mm-hmm.

1 FACILITATOR KERN: I'm just going to act as
2 if I were a member of a board kind of looking at numbers
3 that jump out, which I guess we all are members of the
4 board.

5 So I'm looking at this one mini caps area B,
6 and I'm seeing a quarterly change of a million dollars
7 down.

8 MR. COOPER: Yes.

9 FACILITATOR KERN: So how can somebody make
10 a legitimate million dollar estimate down and have anybody
11 else believe that that's exactly a million or 800 or 700
12 or --

13 MR. COOPER: Oh, yeah. These aren't -- you
14 know --

15 FACILITATOR KERN: But these are the
16 numbers that are going into the --

17 MR. COOPER: Quarterly financial status
18 report. But yeah, this isn't down to the -- we're lucky
19 if it's down to the hundred thousand as far as accuracy
20 here. It's the project manager's judgment.

21 What we did is we actually increased -- if
22 you look back about three quarters ago, you'll find a
23 quarterly financial status report where we increased this
24 charge number 1.5 million, where at that point in time, we
25 were -- just based on our kind of thinking, based on

1 preliminary information, that this Infantry Terrace, the
2 mini caps and FDS are in there, and Infantry Terrace was
3 going to be a corrective action plan, and if you take a
4 look at the cost, at what it's been costing us to get
5 correction action plans and associated designs in place
6 and get into the process on that was very expensive. So
7 we popped in 1.5 million.

8 Since then, since we've gotten more
9 information in and had a chance to digest it a little bit,
10 and even with that process, we haven't made a financial
11 decision whether this is going to go corrective action
12 plan.

13 I'm making a recommendation -- I'll talk
14 about this in the project reports -- that the Infantry
15 Terrace be further studied. The mini caps and FDS area is
16 going to be studied under this restoration work plan.

17 So I didn't take all the money out of it.
18 There's still \$500,000 just for that particular issue,
19 Infantry Terrace.

20 Petroleum issues are still in the cost
21 estimate for that, but if it goes like a cleanup under an
22 FDS type cleanup, it will be a lot cheaper.

23 So that's the -- so we went up 1.5 million.
24 Now we've pulled it back, and that's -- yeah.

25 FACILITATOR KERN: I guess the reason I

1 mention that is when I flip over the page and I look at
2 your bottom line, it's like 1.3 million for -- and change
3 increases.

4 MR. COOPER: Mm-hmm.

5 FACILITATOR KERN: But if you didn't have
6 that one million dollar decrease, it would be 2.3 million
7 in increases.

8 MR. COOPER: Mm-hmm.

9 FACILITATOR KERN: And so I'm looking a lot
10 of these look like RAP3 sites that are increases, so I'm
11 thinking well --

12 MR. COOPER: Yeah.

13 FACILITATOR KERN: -- those are pretty good
14 numbers, then.

15 MR. COOPER: The RAP3 ones, I'd like to
16 point out graded area 9. That's a mistake that we made.

17 Basically all of the RAP3 sites that
18 changed, it was basically from the Draft RAP that went out
19 in 2004. That was our baseline to cost these out.

20 Then we had a couple years of negotiations
21 with DTSC, and some remedies changed a little bit. Some
22 have extra confirmation sampling.

23 I sat through a lot of meetings. You can
24 see why there was a little bit of cost creep from those,
25 from getting the Draft RAP to our current Draft RAP.

1 Graded area 9 was something -- you can see
2 the \$773,000.00 increase. That's on the page -- the
3 backside near the bottom of page 2.

4 That one -- you know, we originally thought
5 that was going to go no further action. I think my
6 memories in 2004, it was no further action. I think --
7 but somewhere between -- so it started out with a very low
8 cost estimate; you know, probably a couple hundred
9 thousand, and we -- after I think getting a letter from
10 the RAB and DTSC, you know, we changed our mind on the
11 remedy on that quite a while ago, you know, probably a
12 good year and a half ago.

13 We should have changed the cost estimate at
14 that point in time. It slipped through the cracks, and so
15 we caught it in this, and we updated comprehensively all
16 of our RAP3 cost estimates.

17 We realized whoa, that's a big -- we hadn't
18 updated our graded area 9 cost estimate in quite a while.

19 FACILITATOR KERN: So it seems that for
20 this kind of a report, it would have been -- it would also
21 be good to know what the -- I mean, I see the quarterly
22 change, but now I don't know what the total amount for
23 that site is.

24 So I don't know if --

25 MR. COOPER: It's --

1 FACILITATOR KERN: -- it's previously one
2 million and now it's 1.7 million.

3 MR. COOPER: Hang on. Graded area 9 is now
4 a total -- capital cost is now 1.279 million and a present
5 worth of 1.4.

6 MR. ULLENSVANG: Those numbers only include
7 from now on.

8 MR. COOPER: Correct.

9 MR. ULLENSVANG: So there's been
10 significant costs that have been expended.

11 MR. COOPER: Good point. So it's probably
12 upwards -- if we look at the CSTR for graded area 9, it's
13 probably in the two million dollar range, yeah.

14 FACILITATOR KERN: One other thing that I
15 guess jumps to my mind is the Baker Beach sites have an
16 extra 75K for public outreach services for each site.

17 MR. COOPER: Mm-hmm.

18 FACILITATOR KERN: I'm wondering whether
19 that's just a new --

20 MR. COOPER: We'll talk about that at our
21 June RAB meeting. We're having the likely remediation
22 contractor come -- you know, the one that's going to do
23 the steep slopes with the spider excavators. He's going
24 to come, and we're going to have a representative from the
25 park's conservancy that's going to be leading up our

1 public outreach team for those projects.

2 We have quite an extensive outreach --
3 public outreach program set up for the Baker Beach
4 landfill removal project. It's going to cost some money.

5 FACILITATOR KERN: What is that 150 K
6 generally for?

7 MR. COOPER: It's for labor costs for the
8 most part. I mean, I -- yeah. There's probably some
9 signage costs went in there, as well, but it's primarily
10 the labor cost to hire people from the Parks Conservancy
11 to be our public information specialists or advisors.

12 I think that we're going to be hiring three
13 or four people.

14 MR. ULLENSVANG: I think four.

15 MR. COOPER: Four people for this -- you
16 know, for the duration. Certainly levels of effort at
17 various times during the project.

18 MR. O'HARA: Those -- those are a lot of
19 words, but they don't say very much.

20 What are these people going to do and why
21 are they going to do it as opposed to this project versus
22 something down at the PX, for example?

23 MR. COOPER: That's a good question. These
24 two landfills are in an area where several -- where
25 there's a lot of park use activity. There's trails that

1 go by there. It's a very popular place.

2 Both of them have parking lots where people
3 that go down to the beaches park and use trails to go down
4 to the beaches.

5 So we're going to be closing down a big swab
6 of the Baker Beach bluffs and beaches during our cleanup
7 here, and it's going to cause -- we hope not an error, but
8 there's information that needs to be related to folks that
9 are going to be showing up that we have put up signs, but,
10 you know, how many people actually, you know, read -- stop
11 to read them? Some, you know.

12 A lot of people maybe haven't shown -- gone
13 to the beach this summer and they're going to show up for
14 their first beach visit sometime in July and they're going
15 to see a lot of big do not enter signs, and I can't have
16 George and Brian running around trying to explain things.
17 We're going to need a bunch of people that first warm day.

18 I was there today and there was a lot of
19 people down at the beach today, and I looked down and
20 that -- I was at Baker Beach, you know, 2A looking down
21 and there was all these blankets, you know, and towels
22 down there people using the beach.

23 They're not going to be able to use the
24 beach in that particular area, and so we're going to have
25 to, you know, educate and communicate to these folks

1 what's going on.

2 MR. BUDROE: Are these people going to be
3 out at the site?

4 MR. COOPER: Yeah. They're going to be
5 standing right there at -- we're going to figure out
6 strategic locations for them to stand at both Baker Beach
7 1 and 2A where obviously people will be pedestrians and
8 cars with, you know, people will be asking.

9 We don't want them -- the visitors to be
10 running up to the remediation contractors and stuff like
11 that.

12 MR. O'HARA: Isn't that a law enforcement
13 issue?

14 MR. COOPER: On top of these basic
15 information folks, we're going to have law enforcement
16 rangers, as well, for people that actually encroach in the
17 area where they're not supposed to go.

18 These people are just for communication
19 only. They're not law enforcement people. But there is a
20 law enforcement component.

21 MR. ULLENSVANG: The Parks Conservancy did
22 similar to this for the trail work. They found it was
23 very effective in taking what was expected to be a fairly
24 negative reaction, users of the group being told they
25 couldn't use a certain area for a certain time.

1 Through the education process, most of the
2 reactions became positive. They saw that there was an
3 impact to the area because of the educational part of what
4 was actually going on. The same model will be applied
5 here for remediation.

6 The staff will be out there contacting
7 people and helping them understand what's going on, why
8 they're being excluded from certain areas, help them get
9 to another area where they can have experiences that are
10 similar during the cleanup process.

11 MR. O'HARA: And the duration of that
12 cleanup process is expected to be?

13 MR. COOPER: In July to October.

14 MR. ULLENSVANG: November, something like
15 that.

16 MR. COOPER: November, mm-hmm. So the
17 beach will be closed for --

18 MR. ULLENSVANG: Some period of time. It
19 won't be closed the entire time.

20 MR. BACH: The entire beach?

21 MR. ULLENSVANG: Certain areas will be
22 unsafe. It's going to depend on the particular work going
23 on.

24 It's primarily those areas that are
25 underneath or down below where the work is going on, and

1 that may change on the exact nature of the work, but
2 there's concerns that even with the protective measures,
3 there may be rocks that come down.

4 MR. BACH: What education, what outreach
5 have you done and to what particular community or
6 communities that use that area?

7 MR. ULLENSVANG: Not much yet, and other
8 than through the RAB, and that's what this group of
9 individuals --

10 MR. BACH: At the risk of outing myself
11 here, I'm pretty familiar with that area and I'm pretty
12 familiar with the beach area. I'm pretty familiar with
13 the people that go down there quite often.

14 So my recommendation, particularly if you're
15 going to have any uniformed people in that area, is to
16 really approach cautiously and do your research, because
17 that can be a pretty volatile --

18 MR. ULLENSVANG: Right. These individuals
19 are going to work with the folks who did last summer's
20 work which involved closures to some of the trails that
21 led to that area. So many of the individuals were
22 contacted.

23 If you were out there using that area last
24 summer, you may have seen some of these contact folks.

25 MR. BACH: Last summer wasn't one of my

1 more frequented times, but yes, I hear you.

2 MR. ULLENSVANG: We're very aware that
3 there's an active user's group out there, more than one,
4 and the way this will be organized -- we'll talk about it
5 more next month -- is there'll be a main person of the
6 four who will be available and whose name will be on all
7 the literature.

8 MR. BACH: Might I recommend that we also
9 look into publicizing into the more locally read
10 publications for that community like the BAR?

11 MR. ULLENSVANG: I think that those ideas
12 would be great to talk with the individuals next month --

13 MR. COOPER: Yeah.

14 MR. ULLENSVANG: -- as we're gearing up,
15 and your ideas to talk with Monica after the break or at
16 the meeting and she'll be very receptive to your ideas and
17 we can get names from you, who would be good people to
18 contact, who would be the news media that needs to be
19 reached in order to get out to the individuals and work
20 through that way.

21 MR. COOPER: In fact, I think it was about
22 a year ago the two individuals actually came to a RAB
23 meeting. I think it was when we were doing some testing
24 out on the bluffs.

25 MR. ULLENSVANG: There were some users of

1 the beach.

2 MR. COOPER: We got their kids. One Nudist
3 Society member. We got a couple e-mails from them. So
4 we're aware of these groups.

5 MR. ULLENSVANG: That's the reason why we
6 saw that this type of outreach was needed. We saw that
7 there were some very active user groups in the area who
8 may be disrupted and may not be disrupted once they know
9 how to deal with what's going on.

10 Because what we're trying not to do is
11 preclude use. We're trying to still create the most
12 experience that we can given the safety and access issues
13 that will be related to this work. We don't want the user
14 to get hurt.

15 MR. COOPER: But David, any advice. You
16 know, I just talked to these, you know, two guys and that
17 was just one meeting and, you know, we listened to their
18 concerns and we said that we'd get back to them when -- we
19 told them about -- that -- at that point in time, we
20 didn't even know for sure when the landfill cleanups were
21 going to be happening.

22 We know there's trail work coming up, and I
23 said when the trail work will not be closing the beaches,
24 but the landfill work will.

25 So they knew, and I just said, "We'll get

1 back to you when we got a more firmer schedule on the
2 landfills."

3 MR. BACH: Right.

4 MR. COOPER: Which, as you know, we didn't
5 know RAP3 was going to make it.

6 MR. BACH: Congratulations on that.

7 MR. COOPER: We didn't want to get people
8 ramped up for the beach closure this summer until we know
9 for sure the beach was going to close this summer.

10 Because if we say that and then take it
11 back, getting the word out that, you know, our bad. It's
12 going to be next summer now. That's a little
13 embarrassing.

14 But I'll be more than happy to work with
15 you. I can talk to my community affairs people, and when
16 the Parks Conservancy people come next month, we can talk
17 about that.

18 More than happy to talk to someone from the
19 Bay Area Reporter and whatever -- whatever way to get the
20 information out there.

21 MR. BACH: Great. I had a different
22 question, although that came up -- I raised my hand
23 earlier, and it's about graded area 9. I just want to get
24 a confirmation about how the flow of these costs are
25 going.

1 I've got three documents in front of me.
2 One is of course the draft and one is the one that I got
3 hand delivered and one is that one that we worked on, I
4 think at the meeting.

5 MR. COOPER: Mm-hmm.

6 MR. BACH: And there's quite a discrepancy
7 between all three documents.

8 MR. COOPER: The handout I did today,
9 that's just the cost increase.

10 MR. BACH: Each one of these documents
11 shows a cost increase. From this original document, it's
12 one -- the capital cost is 1,260,000.

13 This document, there's a \$17,000
14 discrepancy. Not a lot of money, but if you're talking
15 about eighteen sites and you're talking about public
16 outreach, and then you've got an additional -- so the
17 numbers are going to be significant on your outreach and
18 justifying them and for a short period of time a month, a
19 couple weeks.

20 Anyway, I just wanted to point that out to
21 you.

22 MR. COOPER: As the RAP was being
23 finalized, there was a last minute tweaking from some of
24 the time we did the outreach versus the official numbers
25 that the public are commenting on.

1 I don't remember any huge swings in cost
2 estimate. I don't feel like when I talk to these groups
3 in advance that we're misleading them, 17,000 on a million
4 or two million dollar project.

5 FACILITATOR KERN: So I'm interpreting
6 the -- this document, the one with the least costs, the
7 increase that you're showing here is included in that
8 cost?

9 MR. COOPER: Yes. Again, this increase
10 here on graded area 9 was just a delay. We should have
11 been -- we had been -- we fell behind in updating our
12 CSTR, our internal cost estimate for graded area 9 over
13 the last year and a half and we finally caught it, and so
14 it finally is showing up as a big jump.

15 MR. BACH: Can I confirm that? This is
16 already my graded into this?

17 MR. COOPER: Correct.

18 MR. BACH: Thank you.

19 MR. COOPER: It's not an additional.

20 MR. BACH: Thank you.

21 FACILITATOR KERN: Bob, did you have a
22 question?

23 MR. BOGGS: I was just concerned that
24 typically contractors responsible for the security of
25 their own site, if it's a potentially dangerous site, and

1 yet you're having site access being controlled by the
2 Nature Conservancy and I'm just concerned with the issues
3 regarding that and safety get worked out.

4 Who's really responsible for keeping the
5 public from entering that dangerous site?

6 MR. COOPER: Right.

7 MR. ULLENSVANG: The conservancy is not the
8 agency to do perimeter control. They're there to provide
9 information. They will have the mechanism to inform.

10 Say there's a beach, somebody who doesn't
11 want to be informed. Says, "I'm going through. Don't
12 stop me." Then there'll be a way for them to get the word
13 out and call in law enforcement as appropriate to get to
14 the contractor and stop the work, that an immediate
15 response is needed.

16 MR. BOGGS: The contractor needs to be
17 aware that although the service is being provided, there's
18 going to be some redundancy here.

19 MR. COOPER: Yeah.

20 MR. BOGGS: The contractor needs to be
21 liable for securing the site. He's doing the work.

22 MR. ULLENSVANG: The contractor's been told
23 that it's their responsibility for security, and then
24 regardless of this community outreach effort or any law
25 enforcement present that's at or near the site, it does

1 not relieve their responsibility for security.

2 MR. COOPER: That's a good point. I can
3 see the public information person saying if it's an
4 inadvertent breach, and if the person either doesn't hear
5 them or keeps going like Brian, then they're basically out
6 of it.

7 MR. ULLENSVANG: They're not to do law
8 enforcement. They're not going to be trained to do law
9 enforcement or equipped. They're eyes and ears and
10 education.

11 FACILITATOR KERN: John.

12 MR. BUDROE: One quick question on tank
13 removal area A and B and on the battery frontal slopes.
14 Those both look like for the category 7, for
15 the category 7 tanks, and for that, those are both look
16 like new items.

17 Are they going to be chargeable?

18 MR. COOPER: They're not new items. That's
19 the example of my project manager did not fully cost out
20 one hundred percent.

21 She -- you know, he didn't -- when he
22 originally did his internal cost estimates for tank
23 removal and tank closure, which most of these as you know
24 were in the closure documentation and -- there's only four
25 tanks left in the Presidio that we know of.

1 So -- underground tanks, I should say.

2 Underground Army tanks.

3 MR. BUDROE: Because it says --

4 MS. PASSERO: That you know of.

5 MR. COOPER: Above ground fuel tanks.

6 He didn't cost out that group six, priority six and
7 priority seven, and that should have been done again a
8 long time ago when we initially did that.

9 That has now been caught, and we put a cost
10 estimate of how much the priority six tanks is going to
11 cost us and we put a cost estimate of how much the
12 priority seven tanks is going to cost us, and it's all
13 about closure documentation. That's all it is.

14 You can see our assumptions there. We had
15 to presume something and to put a number there, so that's
16 what that's about, and then we allocated it against A and
17 B.

18 I can sit down and figure out exactly what
19 were in A and B. The A20 is really a geography allocation
20 at this point.

21 MR. BUDROE: What I'm looking at is where
22 it says in the spreadsheet. Primarily consists of tanks
23 that have no evidence they existed.

24 MR. COOPER: That's right. Let me explain
25 that for a second. The Trust inherited a big universe of

1 tanks that the Army removed. Let's put it at like 550
2 tanks, let's say, that the Army removed.

3 For more than half, or at least on half of
4 them, there is tank pull reports and, you know, good
5 documentation about what happened.

6 For the others, there either isn't
7 documentation or the tank name was just kind of listed and
8 it got picked up as a reference someplace else and each
9 one is going to have a story.

10 So we don't know, A, if that tank really
11 existed or was it just a misnamed, mislabeled tank that is
12 actually tank X is actually tank Y over here or does it
13 exist?

14 And the tank pull report is actually in the
15 archives and we need to look for it.

16 So -- so that's the explanation for that,
17 and there's a whole bunch of them.

18 MR. ULLENSVANG: There's over 300 of them,
19 right?

20 MR. COOPER: Something like -- I think I
21 put 273 for them, but there could be --

22 MR. ULLENSVANG: Was there an actual count
23 273 or was that an estimate?

24 MR. COOPER: That's an estimate. You know,
25 that one table that EKI has put together. What we

1 inherited was, you know, just -- as you see that big book
2 that we got from the Army.

3 So now we've got our tank database. We're
4 starting to populate our tank database and we're able to
5 do sorts and do counts of how many tanks we have left to
6 get through the Water Board as far as final certification.

7 It doesn't look like the Army ever went
8 through final closure on a lot of these tanks. So I
9 wanted to put a cost to that and then talk to everybody as
10 a larger group and say, "How important is that to us?"
11 Say a thousand dollars a tank may not be -- that's the
12 cost to send them off to the archives, do a due diligence
13 type thing, take the best efforts to try to find this tank
14 pull information, and then if they find it, then it goes
15 through the normal process.

16 I have a feeling there's going to be a
17 fairly large group of tanks that we don't have the
18 documentation. And then I'm going to have to work with
19 the Water Board to get that off our ledger somehow.

20 FACILITATOR KERN: Mark's pretty good at
21 that stuff. You've generated many lists for this project
22 of sites.

23 MR. BOGGS: He's better at increasing.

24 MR. BUDROE: The other question I had was
25 for the frontal slopes.

1 MR. COOPER: It's a new discovery, and
2 actually my projects presentation, I've actually started
3 to create special Power Point slides that just focus on
4 what we call unknown contamination, and because they have
5 a life of their own, in a sense, the way we're kind of
6 thinking about them on which ones we want to spend money
7 on our not.

8 We have claims on all of them with the Army
9 and Zurich, so I've started to do that, and this is a new
10 find and of concern about potential contamination on
11 the -- basically on the historic frontal slopes.

12 What's that word for the soil that's up
13 against the batteries?

14 MR. BOGGS: Aprons.

15 MR. COOPER: If you look at these
16 batteries, you know how there's kind of the sloping soil
17 along the sides of them. That is what we're calling
18 frontal slopes, and they're roofing material issue that
19 was on the roofs of these batteries that got shaved off
20 and so on may have contaminated that soil along the
21 frontal slopes of the batteries, and that's basically
22 along several of the Baker Beach bluff batteries.

23 We're starting a testing program for those.

24 FACILITATOR KERN: John.

25 MR. CHESTER: I had a question on the tanks

1 in the average cost of \$1,000 per tank to close out.

2 Do you know, then, that those tanks didn't
3 leak and that does not include a remedial cost or --

4 MR. COOPER: Okay.

5 MR. CHESTER: -- is that a cost that would
6 come in the future once you've pulled the tank and you
7 see --

8 MR. COOPER: Again, there's only four
9 tanks -- four known Army tanks, underground tanks still in
10 the ground.

11 MR. CHESTER: So these are part of that
12 tanks.

13 MR. COOPER: These are tanks that have
14 already been pulled. It's the paper exercise --

15 MR. CHESTER: Okay.

16 MR. COOPER: -- to be able to get final
17 certification from the Water Board saying that, yep, you
18 property owner and the Presidio have done the right thing
19 on each of these tanks. So that's what this is about.

20 FACILITATOR KERN: Well, I'd like to
21 compliment you on the summary of the site change. This
22 information is much more extensive than it has been.
23 That's really helpful for us to really ask questions.

24 MR. COOPER: Mm-hmm.

25 FACILITATOR KERN: In a lot of questions,

1 just looking at the program through these money issues, we
2 learn a lot by asking those.

3 MR. COOPER: Exactly, and again the
4 quarterly financial status report will go out later this
5 month. This information will show up in that table 1,
6 which is our variance report.

7 These descriptions along with others that
8 may come up by the time the report is put into final.

9 MR. BOGGS: Was there any thought of taking
10 a percentage of those and thinking that the closure
11 documentation might not be adequate or that there might be
12 documentation that they removed it and they might say,
13 "Oh, smell the petroleum," but they never took any
14 samples, so you might have to go back and do additional
15 investigations?

16 MR. COOPER: The one -- notice the costs --
17 if you take a look at our priority six tanks, those are
18 the ones where it costs 2,000, you know -- 2,250 per tank,
19 and that's the ones with documentation to populate the
20 Water Board database and to get it all through.

21 These -- I'm assuming that the ones -- it's
22 probably a low ball estimate. I'm just putting it out
23 there. It's probably low. I'm assuming that we take some
24 best efforts to try to find the documentation and we don't
25 find any, basically, and then I'm by -- en masse, I'm

1 going to send a letter to the Water Board saying --
2 explaining all the steps that I've taken to try to find
3 this documentation and say it doesn't exist and I'm
4 requesting certification for them, anyway. I don't know
5 what else to do.

6 If you can't find the documentation --
7 again, I haven't talked to Devender about this at all.
8 That's the only tricky part about this. This is my cost
9 estimate to that.

10 The actual reality, once I do talk to
11 Devender and the process we agree to, after I -- after
12 that gets agreed to, I'm going to go back to that \$1,000
13 per tank cost estimate and move it up or down as
14 appropriate.

15 FACILITATOR KERN: Well, it's useful to us
16 to understand, you know, your thought process and how the
17 moneys work, too.

18 So we appreciate -- normally we would only
19 get like five minutes at the end of two hours to kind of
20 look at this, so this has been useful.

21 MR. COOPER: Okay.

22 FACILITATOR KERN: And I think if we could
23 move on, there's a number of other things to do, and I'm
24 looking at your handout. It's sort of the second to last
25 page.

1 We just reviewed "see handout," and now
2 we're at the efficiency and cost control planning. If we
3 could review that slide.

4 MR. COOPER: Sure.

5 FACILITATOR KERN: That goes back to
6 setting a couple of other meeting dates if we can.

7 MR. COOPER: All right. So as you can see
8 from this slide, you know, a summary of our last set of
9 summit meetings, we had three summit meetings already in
10 2003 -- no.

11 MR. ULLENSVANG: Four.

12 MR. COOPER: We've had two summit meetings
13 in 2007. Summit meeting number 3 and 4. It's not June
14 19th yet. Sorry about that.

15 Our fifth summit meeting will be on June
16 19th, and as you can see, our -- that is -- that's our
17 goal date to actually sign RAP number 3, as well, but we
18 are already ready to move on to bigger and better things.

19 From a planning perspective, once RAP3 gets
20 signed -- I know there's designs that need to get approved
21 for the RAP3 sites, but we really need to shift gears and
22 refocus back on RAP number 4, which is, you know --
23 there's several challenges and issues on our RAP4 sites.

24 I'm not saying they're necessarily easy.
25 It's stuck in the mud right now. I'm there to acknowledge

1 that, but it's time for us to pull together and figure out
2 how to un -- get it out of the mud.

3 So I think Doug has volunteered like he did
4 on RAP number 3 to put together an accelerated schedule
5 that will identify critical issues and major milestones
6 that we need to accomplish to get a RAP number four signed
7 by next year.

8 FACILITATOR KERN: So I sent out a message
9 to Craig telling him that I was willing to proceed with
10 that, and he gave me some ideas from his perspective on
11 what might be needed to be included in that schedule.

12 I was able to talk to Brian about utilizing
13 some of his staff, Laura Castellini who knows how to work
14 these schedules, and I talked a little bit to Brian about
15 things he might like to see in the schedule; left a
16 message for Bob; haven't been able to talk to you directly
17 yet, but I know a couple of Bob's issues for RAP4, which
18 includes landfill 10, landfill 8 firing ranges.

19 And so I have a preliminary schedule which
20 I'll just kind of wave around. You can't really see it
21 from back there.

22 It's a proposed RAP4 accelerated schedule
23 with a construction start date of May 2008.

24 So we'll kind of be on target to work on the
25 Baker Beach sites this summer. We've got those other

1 twelve, thirteen -- thirteen sites in RAP3.

2 Hopefully I guess Ryan's going to be working
3 on those and we'll get those going, Ryan and George, and
4 then we would be in position to -- if we work hard for a
5 year --

6 MR. COOPER: Right.

7 FACILITATOR KERN: -- got a couple more big
8 sites ready to go.

9 So if we can right now, I'd like to kind of
10 infuse the whole process with a little bit of urgency. We
11 would like -- I'm proposing in this schedule where we
12 sign -- the date that we sign the RAP or -- RAP3, which is
13 proposed for June 19th, and everybody's got that on their
14 calendar.

15 There might be a couple of reasons why that
16 could go away, but I think we've got contingencies for
17 that.

18 I'm proposing that we have a couple of
19 meetings in advance of June 19th, the first being just to
20 scope out what would go into RAP4, just so we're all on
21 the same page.

22 It would include -- I've got a few notes in
23 here -- review the scope, review the proposed schedule
24 that I've got here and discuss the summit meeting, and
25 then we would have a follow-up meeting to finalize the

1 summit meeting process, finalize our proposed go get-em
2 schedule, at least what we're willing to try to do, and
3 just nail down any other RAP4 planning that we can with
4 this in mind, that then all of the project managers would
5 be able to go to their management ahead of the summit
6 meeting on June 19th, brief them about this schedule.

7 They'd have a schedule in hand and begin to
8 discuss with them this is what -- we're going in with a
9 celebratory signature date on June 19th and we're going to
10 kick off the next year of what we're going to try to
11 accomplish.

12 So I'm proposing -- hopefully people have
13 their calendars -- next Tuesday is May 15th. I know we're
14 having the public meeting. Hopefully Bob will be around.

15 MR. BOGGS: There's a Baker Beach meeting
16 that day.

17 MR. COOPER: I'm assuming you want to stay
18 for the public meeting.

19 FACILITATOR KERN: It's a proposal.
20 Afternoon, the 15th.

21 MR. ULLENSVANG: Anyone else?

22 MR. COOPER: Everybody's invited. Let's
23 pick a time and get it on our calendars. So we're looking
24 at the 15th.

25 FACILITATOR KERN: How about 3:30?

1 MR. ULLENSVANG: Yeah.

2 MR. COOPER: Okay.

3 FACILITATOR KERN: Doing business.

4 MR. COOPER: 3:30 at my office?

5 FACILITATOR KERN: Sure.

6 And then a follow-up meeting -- and this is
7 less put down, but to give us time for June 19th, say up
8 to a week and a half, so we could have a meeting in the
9 week of June 4th through the 8th or we could have a
10 meeting in the latter half of the Memorial Day week to
11 kind of finalize our plans for the summit meeting, and
12 that really has to do with people's availability.

13 I've got a lot going on the last week of
14 May, but --

15 MR. ULLENSVANG: The first week of June is
16 a little bit better for me. Particularly early that week,
17 Tuesday or Wednesday.

18 FACILITATOR KERN: I'm realizing I may be
19 at a conference. I haven't written it down because I
20 haven't gotten my plane tickets yet.

21 MR. COOPER: When we get together on the
22 15th, we can nail it down.

23 FACILITATOR KERN: Thanks to everybody for
24 allowing us to get sort of that out there, but somewhere
25 be thinking about a second meeting.

1 All right. Appreciate that.

2 Let us then go back to -- just trying to
3 combine your report and the agenda.

4 MR. COOPER: Yeah.

5 FACILITATOR KERN: I wanted to at least
6 cover everything -- now that everybody's arrived -- for
7 RAP3. We have our public meeting a week from tonight, for
8 those of you who arrived somewhat later.

9 It would be great if people could come to
10 that meeting to provide public comment.

11 I also think -- and I didn't think ahead on
12 this until just today -- that it would be good to have a
13 letter by the RAB that could go in the public record from
14 us supporting the document.

15 So we'll have to figure out -- maybe I can
16 circulate a letter via e-mail and get people's acceptance
17 that way.

18 So just checking on RAP3, the things that
19 may still yet happen, we still might get a request for an
20 extension.

21 MR. COOPER: Yeah.

22 FACILITATOR KERN: I would propose that if
23 we do get such a request for an extension of time, that we
24 do everything we can to meet with whoever might request an
25 extension, give them whatever time we need to to walk

1 through the document.

2 I mean, people can request extensions. It's
3 a very large document, but I would hope we would be able
4 to provide whatever service we could to this.

5 MS. CHEEVER: Could I just ask what people
6 can ask for extensions? Members of the public who want to
7 comment?

8 MR. COOPER: Generally not agencies. It
9 would be members of the public. I haven't heard of this.
10 Look how huge this document is.

11 MR. BACH: Or I'm deliberately going to put
12 a wrench in the gears because I'm pissed. You closed my
13 beach.

14 MR. BOGGS: And agencies have -- like the
15 SHIPO, they have asked for things that -- not necessarily
16 extensions, but they have made comments that forced
17 basically a delay.

18 FACILITATOR KERN: And that would be --
19 that would be the second area of delay would be if we get
20 a substantial comment that nobody thought about that
21 requires time to investigate.

22 MR. COOPER: Exactly. That's the two -- in
23 fact, I just realized today our first -- we have now
24 entered our thirty-day public comment period starting
25 today.

1 So now we have to wring our hands for the
2 next thirty days and see what -- if we get a time
3 extension request or if we get any significant comments
4 that we hadn't, you know, thought of before.

5 MR. BUDROE: Has anybody been keeping their
6 ear to the ground to see if there are any groups that are
7 actually liable to make comments or is everybody taking
8 this pretty well at this point?

9 FACILITATOR KERN: There have been three
10 meetings where we've been out to -- they're People for the
11 Presidio -- there were spur members at the People for the
12 Presidio meeting, I should say, NAPP, Neighborhood
13 Association of Presidio Planning and Planning Association
14 for the Richmond.

15 Somebody did bring up a person that many of
16 us are familiar with from previous documents. This person
17 can come out of the woodwork occasionally to bring up
18 issues, shall we say, and we know who the person is. I
19 think we would know how to act or how to deal with that.

20 So there's at least one person, one name
21 that I know of that could come.

22 MR. COOPER: Also today we got an inquiry
23 from the San Francisco Examiner, and the way the
24 questions -- my media person called and told me all the
25 questions. Just the way the questions were posed, I was

1 like oh-oh.

2 FACILITATOR KERN: I got a call from the
3 Examiner.

4 MR. COOPER: You can tell by the way the
5 questions are being asked, it's not necessarily a hip-hip
6 hooray type of article.

7 Maybe I'm exaggerating or just being
8 paranoid, but did you --

9 FACILITATOR KERN: I got a call from the
10 Examiner today and they were asking me questions about
11 well, there seems to be a lot of money spent on just a few
12 sites, and I just went -- I walked through the whole
13 three-year planning process with the person and explained
14 we've scrutinized these sites to a very high degree and
15 tried to, and at least from my perspective, this was the
16 best that dozens of people could come up with as a
17 recommendation for these sites.

18 MR. COOPER: Wow, great.

19 MR. BACH: Do you know if that person for
20 the Examiner, is that for the record? Do they plan on
21 putting an article together?

22 That would be great if they were able to
23 quote you, because this is a real critical time that that
24 information positively needs to get out there.

25 FACILITATOR KERN: I have been contacted by

1 the papers in previous documents, and when it was -- the
2 Army was in charge, I had a lot of things to say that had
3 a, shall we say, good impact for what we were trying to
4 do.

5 In this case, I think I had to speak as a
6 public person that was very active in the process and I
7 made sure that they knew that, that I wasn't -- I mean, in
8 some sense, I am biased because I've been involved, but
9 I've been -- I also represented that I thought this was
10 the best expenditure that we could make to get these sites
11 done.

12 So hopefully they will include those
13 remarks.

14 MS. PASSERO: This actually raises a
15 question of does the Presidio then actively reach out to
16 some newspapers about this, too, and have any
17 relationships where -- I'm not sure what the source of the
18 article is, whether they have public notice or whether
19 they have another person who sort of comes to them with a
20 story.

21 MR. COOPER: We didn't issue a press
22 release, per se. I think we could talk about that on --
23 in the June RAP meeting where we actually break ground,
24 just issuing a RAP for public comment didn't seem --

25 MR. ULLENSVANG: Did you send a proposed

1 plan to the media contacts?

2 MR. COOPER: I don't remember off the top
3 of my head. I know that the Trust has its own mailing
4 list.

5 MR. ULLENSVANG: So in your own mailing
6 list. So you may have sent the proposed plan.

7 MR. COOPER: To that person at the
8 Examiner. That could be.

9 MR. ULLENSVANG: Anyway, the editor's desk
10 would assign it.

11 MR. COOPER: What I was told -- again, I
12 didn't talk to the reporter directly myself -- is that she
13 was operating under a deadline today for an article.

14 FACILITATOR KERN: That's what I got, yeah.

15 MR. COOPER: Julie, what does that mean? I
16 guess it could mean anything. It doesn't mean the article
17 is going to go out tomorrow.

18 MS. CHEEVER: It might.

19 FACILITATOR KERN: She said that she was
20 talking about the beginning of the public comment period
21 on this cleanup. That was basically the intent.

22 MR. COOPER: Okay, good.

23 FACILITATOR KERN: They noticed that there
24 was a public comment period and they were -- it seemed to
25 be a significant amount of money and it was worth just

1 noticing it.

2 She had obviously the documents that showed
3 all the information that you've talked about.

4 MS. PASSERO: I guess, can there be letters
5 to the editor or follow-up? Maybe there can be even -- by
6 the RAB or RAB members, you know.

7 If we want to try to use the opportunity to
8 create something positive in the press, you know,
9 during -- because it seems like it would be also important
10 during this time period with this public comment.

11 If an article does come out, maybe it's an
12 opportunity for a response or letter to the editor that
13 the RAB could do.

14 MR. COOPER: Mm-hmm. I guess either way.
15 If it's -- certainly if we think the information in the
16 article is not very accurate, then, you know, that letter
17 to the editor is a good way to do it.

18 FACILITATOR KERN: Well, does anybody read
19 the Examiner regularly?

20 MR. COOPER: It's free. Sometimes when I
21 grab a sandwich, I pull --

22 FACILITATOR KERN: So be on the lookout for
23 it over the next few days, I guess. See if we can spot
24 anything, any notice.

25 MR. BACH: Craig, what is your strategy

1 here? Maybe that would help at least me and maybe
2 answering Michelle's question in that direction.

3 Is it your thought that not publicizing the
4 public comment period might allow us to move forward
5 without a lot of eyeballs looking at what's going on?

6 MR. COOPER: No. I think under the law, we
7 are -- you know, first of all, did you see the size of the
8 public notice that we put in the San Francisco Chronicle?
9 The thing was enormous. You could not miss it. It was
10 like --

11 MR. BACH: When did that go out? Sunday?

12 MR. NARALA: Last week.

13 MR. COOPER: It got published April 27th,
14 and it's a Friday paper, and it went to all the Bay Area
15 versions of The Chronicle.

16 But The Chronicle is considered the
17 newspaper of record under the regulations, and we're
18 actually only required to put in like a public notice,
19 that little skinny --

20 MR. BACH: That's why I'm asking. You
21 certainly don't want public perception to think --

22 MR. COOPER: My strategy --

23 MR. BACH: -- that you're waiting with
24 tooth in -- for that timeline, that thirty days to go,
25 because if somebody says or if it comes up well, if you

1 want public comment, but you're not publicizing that the
2 public has an opportunity to participate, then, you know,
3 the perception is -- you can't please everybody.

4 I know that, but still -- still, the more
5 publicity you put out there that people can comment, the
6 more positive enforcement you potentially could have, but
7 at the same time, you could also be attracting negative
8 attention. That's why I'm asking what your strategy is.

9 MR. COOPER: Our strategy is to comply with
10 the law, and then some, and to get the word out. This
11 fact sheet went out to more than 2,000 folks. Everybody
12 that is a tenant or resident in the Presidio got a copy of
13 this, in addition to, you know, stakeholder groups, except
14 for, I guess, new RAB members.

15 MR. BACH: Do you have more copies of this?

16 MR. COOPER: Mm-hmm.

17 MR. BACH: Could I have about fifty of them
18 to take to the community center?

19 MR. COOPER: At least what I've got here.
20 And I've got probably another hundred or so in my office.

21 We want to get the word out to people that
22 would be interested in this project. Putting the big
23 public notice in The Chronicle, that's what's required by
24 law, and then we target these fact sheets, this mailer to
25 people that we think would be interested in this project,

1 you know, and it showed up in the -- in the Trust e-
2 newsletter.

3 Did everybody see that? That goes to like
4 15,000 e-mail addresses, and as soon as you read it in the
5 Trust e-newsletter, it has a link that went immediately to
6 our Website that has the RAB in PDF and everything that
7 you would want.

8 This is our first time being fully
9 automated. If you notice this time, we are fully, you
10 know, automated in using the Web as -- Internet as much as
11 possible, and it actually worked.

12 I went to the e-newsletter, clicked on the
13 link and then it went to a Website where it has
14 information just like in the proposed plan here, but it
15 has also RAP number 3 in a PDF file that you could click
16 on that opens up in chapters.

17 You could read the whole thing online and
18 submit your comments online and not have to --

19 MR. BACH: But you have to be aware of
20 those things in order to do all that.

21 MR. COOPER: Right. And again, we didn't
22 put it in every single newspaper in the Bay Area and issue
23 press releases. We put a great big public notice in The
24 Chronicle and then we were trying to target our fact
25 sheets to people that we think that would be interested.

1 MR. BACH: I'm mostly concerned just about
2 the beach, just because of my familiarity with it and the
3 potential repercussions; not necessarily during public
4 time, but during construction.

5 If you get resistance and people are going
6 to be determined to, you know, meander down into that
7 area. At any rate, I want to do everything I can, because
8 that's why I'm here, so I can intervene.

9 MR. COOPER: Yeah.

10 FACILITATOR KERN: Very good. We're going
11 to rely on you to do just that. So we appreciate your
12 extra effort there.

13 MR. BERMAN: Just a comment here with the
14 outreach people that are being -- going to be involved
15 with informing the beach goers, et cetera.

16 A lot of people have used these beaches for
17 areas, but they also don't want to be killed by a falling
18 rock.

19 MR. COOPER: Right.

20 MR. BERMAN: And so I think -- good
21 education is going to be very effective here, and I don't
22 see -- I don't get the same perspective as you.

23 MR. BACH: You would have twenty years ago
24 or thirty years ago. Young people that tend to go down
25 there, they think, you know, that the Presidio or the park

1 is not allowing them access to something that they see as
2 a daytime activity, enjoyable activity and not usually
3 found anywhere else. Where else can you go?

4 MR. BERMAN: Yes, but the purpose of the
5 outreach is to try to educate these people and say there's
6 a short period of time where it's dangerous and you'll
7 have to work with us and not use it while it's dangerous.

8 MR. BACH: And I would agree, and that's
9 the message we need to get out there, but it needs to fall
10 on those people.

11 MR. COOPER: Right.

12 MR. BERMAN: You know --

13 FACILITATOR KERN: So item number 5C, we've
14 kind of covered some of those issues. It includes
15 landfill 8 and 10.

16 Just as a quick note, landfill 8's the site
17 that has the buried cemetery, and landfill 10 is right
18 adjacent to Lobos Creek. It is also the -- part of the
19 parking area and overlook site for the Public Health
20 Service Hospital.

21 A few issues to work through, and in this
22 schedule, there are not only technical issues to do with
23 the landfills delineating the sites, making sure we've got
24 all the proper chemicals of concern identified, but then
25 there's just the actual remedy selection.

1 So we're going to be working very hard to
2 get those nailed down. Of these two interim meetings, I
3 hope we can work through that.

4 The financial priorities is something I'm
5 working on for the next committee meeting. I've been able
6 to go through the database and look at a lot of -- the
7 different RAPs and how much money was budgeted back in
8 1999 versus how much money is budgeted today, and looking
9 ahead, trying to decide -- Bob has identified some
10 priorities, you know, what are the sites that have the
11 most impact to human health and the environment. He wants
12 to see those sites done nearest to the near-term.

13 The Park Service will have priorities, the
14 Trust will have priorities, and the community, and so
15 we're going to have to work through those and make our
16 comments. So I'll hope to present some of that at our
17 next meeting.

18 And the fundraising, as well, there's -- we
19 began to discuss that at our last committee meeting, what
20 the different sites and how we might choose a site and say
21 we're only going to allocate -- let's do it -- for
22 example, it's currently budgeted at five million.

23 It was originally budgeted at one million.
24 So we've got a four million dollar shortfall or cost
25 overrun on that site, so we're going to allocate three

1 million of the 99 million towards that site and then we're
2 going to have to come up with two more million from some
3 other source.

4 That's one way of handling the total budget
5 shortfall, which I think people will probably argue and
6 scream about, but otherwise the course we're on is
7 whatever site comes up next gets the money spent until
8 it's all gone and then we don't -- then we have a crisis.
9 Sites that just aren't being cleaned up.

10 So that is the combination of item 5D and E.

11 So Craig, perhaps you could take another few
12 minutes to run through the slides that you've prepared for
13 tonight.

14 MR. COOPER: Let me just look at --

15 FACILITATOR KERN: I don't really know if
16 we need to cover RAPs 1 and 2.

17 MR. COOPER: Let's skip that. The photos
18 are always kind of nice. I think I showed this last time.
19 It's the new Merchant Road, and as you know, old Merchant
20 Road is -- this is -- Baker Beach 1 is just off the cliff
21 here and then old Merchant Road kind of goes out behind
22 these trees here that's going to be used as our staging
23 area.

24 MR. O'HARA: May I interrupt before you
25 change this slide?

1 To get to the Log Cabin, you get to this
2 intersection where this truck is and go left.

3 MR. COOPER: This way.

4 MR. ULLENSVANG: You go in the room.

5 MR. COOPER: This way. So this is a new
6 intersection. Old Merchant Road used to head down -- I
7 guess it still does. Three-way stop, but now we've got a
8 four-way stop there.

9 Baker Beach 1 as photographed today,
10 actually. I think that --

11 FACILITATOR KERN: And I can tell you that
12 as long as I've been going out to this site for fourteen
13 years, I've seen that bail of wire hanging on the edge of
14 that cliff there. It never seems to go away. That's
15 always hanging out.

16 MR. ULLENSVANG: It will go away.

17 MR. COOPER: We're going to get that wire.
18 It will be gone. This photo's a little blurry, but there
19 was some bushes here that got removed. And so place is
20 mowed, as it's called.

21 Vegetation is down to nothing more than less
22 than twelve inches I think is the code for protecting bird
23 species, but that's Baker Beach 1 as it looks now today.

24 FACILITATOR KERN: Can you point out the
25 area where the debris is on that photo?

1 MR. BOGGS: The whole thing.

2 MR. COOPER: Yeah. Pretty much.

3 MR. ULLENSVANG: Pretty much --

4 MR. COOPER: -- from here all the way down.

5 This whole zone is going to get dug out.

6 MR. ULLENSVANG: This is generally a bowl-
7 shaped ravine. That mound is primarily waste debris.

8 It's just dumped over the edge and built up to an area we
9 think about 25 feet thick.

10 MR. O'HARA: There's nothing pristine about
11 that.

12 MR. COOPER: So Brian -- I should know
13 this, so we could end up with a Coyote Gulch look like.

14 MR. ULLENSVANG: Not so severe. This is a
15 general bowl.

16 MR. COOPER: If you look down there, you
17 can see a basic bowl, but not too much. It's going to be
18 more pronounced.

19 MR. ULLENSVANG: It will be more
20 pronounced.

21 For those who like that area, if you look
22 over the area, you'll see where the mowing occurred and
23 that is generally where the refuse is.

24 Andy Schaefer will be here next month and
25 runs the company that's going to be doing the cleanup. He

1 actually did the mowing. His staff was busy, and so he
2 just brought the equipment out and mowed it himself.

3 He was very careful not to mow beyond where
4 he could see refuse and debris. It's a pretty good
5 delineation of where the cleanup will be.

6 MS. PASSERO: Was there any problems with
7 birds at all?

8 MR. ULLENSVANG: No. They did a survey
9 ahead of it. It was the very first week of bird nesting
10 season. We felt the risk was very low of being stopped
11 because of nesting activity and the Trust put it ahead of
12 mowing and did a sweep of the area and saw no activity for
13 nesting, and there will be additional sweeps before the
14 work starts just to make sure there's no ground nesters
15 and things like that.

16 MR. COOPER: Baker Beach 2A, it's even
17 harder to get kind of a feel for it, but there's, you
18 know, certain areas that got mowed here, as well, and it's
19 kind of this, you know, layer of waste here.

20 FACILITATOR KERN: It's kind of a low area.

21 MR. COOPER: Exactly. You can see a few
22 people down on the beach, as well.

23 All right. I'm going to move, you know --
24 as far as time, you know, let's just kind of hit maybe
25 some of the high points. You've got your handouts.

1 Obviously we need to be working on the
2 design for both area A and area B sites in RAP3. We've
3 already talked about RAP4 a little bit already. We have
4 our summit meeting.

5 We've got some characterization work that
6 needs to be done at both 8 and 10 and three of the firing
7 range sites and we need to get those going again, back to
8 Bob and get agreement on those and get those.

9 That is going to be a major issue that we
10 need to get going. When I say "stuck in the mud," mostly,
11 we at the Trust, we need to get that unstuck and get that
12 in front of Bob so we can get that data gap issue taken
13 care of.

14 Also just a little bullet, as a little
15 teaser thing, I'm thinking through my own who I want to
16 work on this from -- my project -- who are my project
17 managers going to be, what roles are going to be, how are
18 my consultants and my project managers going to work with
19 each other and the larger group, and I'm putting my
20 thoughts together, and I'll share that.

21 I'll probably call Brian and get some formal
22 advice and call you.

23 FACILITATOR KERN: I would just maybe
24 attempt to influence you even now. Thinking about RAP4
25 and the contractor that has worked on this up to this

1 point.

2 MR. COOPER: Mm-hmm.

3 FACILITATOR KERN: And I haven't been all
4 that happy with the process as it's gone, so I would hope
5 that we might consider a change, or if we can't get out of
6 who we're working with, that we have some -- we get them
7 working for us.

8 MR. COOPER: Absolutely. That was a
9 different era. Let's just call it. Different project
10 manager. I was managing things differently back then, and
11 if we do keep EKI, it will be managed completely
12 differently. I can guarantee you that.

13 FACILITATOR KERN: There's so much riding
14 on us, our ability to get things done that we need to
15 be -- instead of providing answers and suggestions to us,
16 they need to be getting that document perfect and working
17 that for us rather than --

18 MR. COOPER: Yeah.

19 FACILITATOR KERN: -- for whatever agenda
20 they seem to always have. End of schpiel.

21 MR. COOPER: Right. Yeah. I get it. I
22 think the way that they've been -- I -- you know, I
23 personally have had some problems with it and with EKI,
24 they are very smart and they know how to write, as well.

25 You need to give them direction, and what

1 was lacking before with project manager was not giving
2 them direction, and when there's a direction void, they
3 were filling it themselves.

4 FACILITATOR KERN: Yeah.

5 MR. COOPER: And if we -- that's got to
6 stop, and I think that -- and it will stop.

7 Okay. In fact, I even got I think some
8 ideas on how to handle RAP4 that you might even find more
9 interesting.

10 FACILITATOR KERN: All right.

11 MR. COOPER: RAP5, you know, basically
12 we're on hold on that one. There's a whole bunch of
13 important sites in it, as you know.

14 We can talk about that in a lot of detail,
15 but there's at least two projects, fillsite 6B and Lobos
16 Creek that we need to get going again.

17 Those are, you know -- at least Lobos Creek,
18 we've got a draft sample plan out there for a while. I
19 know that particular sample plan is important to the RAB.
20 Just a lot of things to, you know --

21 FACILITATOR KERN: I don't want to confuse
22 the whole issue of getting RAP4 done by next May, but I
23 think we'll also need to consider beginning some process
24 on RAP5 or subdividing it or coming to some agreement
25 about it, because these are huge sites.

1 Some of them may not necessarily relate to
2 each other. Some may have huge public comments. Some may
3 have none, and we just need to be really smart about these
4 sites.

5 MR. COOPER: Just so you know, I'm not
6 spending any money. I haven't started working on a RAP.
7 We had some preliminary, you know, stakeholder meetings on
8 RAP5 quite a while ago.

9 All we're doing right now is collecting some
10 data on fillsite 6B and Lobos Creek. That's really all
11 we're doing on RAP5 right now, and Baker Beach 1A and 2.

12 I take that back, now that they're in RAP5.
13 We're collecting data on that.

14 So we're kind of in a remedial investigation
15 mode, and I think that needs to continue. Even though our
16 focus is going to be on RAP4, we need to get investigation
17 work done on our RAP5 site.

18 RAP6 waiting out there in the wings. You
19 know, we can -- that's a big set of sites, as well. As
20 you can see, I'll pretty much skip over there. I want to
21 focus on these a little bit.

22 We've got a few new -- like I said, kind of
23 way to talk about sites, and this is kind of an overview,
24 several of what is unknown sites or issues that became --
25 the Trust became aware of after our 1999 agreement with

1 the Army, and at 937, which is a building down at West
2 Crissy that -- that's the former hangar -- aircraft hangar
3 building just before you get to the warming hut, and we've
4 encountered some chlorinated solvents underneath the
5 cement slab 4 there, and the Trust and DTSC have exchanged
6 letters about kind of the rules of the game on how the
7 Trust can bring a tenant into that building.

8 Obviously, the building needs a lot of work
9 in addition to just remediating the chlorinated solvents.
10 It needs, you know, seismic and structural upgrade. It
11 needs utility upgrade. It's basically just a shell of a
12 building.

13 It's got a lot of work to go, and what we've
14 been trying to do is be really smart in how to integrate
15 the remediation work with the upgrade work and keep DTSC
16 informed of that and keep you guys, you know -- we need to
17 set up a meeting on it. That's what my last bullet was.

18 There's been some talk about how to handle
19 those chlorinated solvents. We need to talk to you guys
20 on what we have in mind as far as remedies there.

21 So -- and there's three others, the
22 potential slag dump sites, which I can probably best show
23 you that map. It's down near Baker Beach. Basically
24 right below Baker Beach disturbed area 4. Just go
25 downhill from that.

1 We discovered that a year and a half ago. I
2 haven't done any work on that at all. I'm sure Brian is
3 starting to get anxious on that. It's in area A, but two
4 other sites, the battery frontal slope sites, we went over
5 the finances.

6 That was discovered fairly recently, and the
7 Merchant Road fillsite, which we discovered last year. We
8 are characterizing -- we're well underway or at least we
9 started characterizing that site. Hopefully we're well
10 underway, as well.

11 More unknown contamination --

12 MR. O'HARA: These are -- these are sites
13 for which you are going to make an application to draw
14 down funds from --

15 MR. COOPER: Claims. Wherever you see
16 unknown contamination sites, that means we are in the
17 claims process with the Army and Zurich. On different
18 stages.

19 On this slide, I'm talking about Baker Beach
20 2A, which is a RAP3 site. Our dispute has now gone to the
21 third tier in accordance with our MOA, which is very high-
22 up folks at the Trust, even though we don't have high-up
23 folks.

24 It's our chairman and board of directors, a
25 very high-up person at the Department of Interior and the

1 Army and -- because tier one and tier two folks were not
2 able to reach agreement, so now it's gone to tier three,
3 and in fact just to give you an idea, at least the
4 Department of Interior and Army base person, we are --
5 they're both in Washington, D.C.

6 We might have to go to Washington to have
7 this settlement meeting on Baker Beach 2A.

8 MR. YOUNGKIN: Is that the final?

9 MR. COOPER: It is not the final tier. My
10 memory of the memorandum of agreement is that if the third
11 tier folks can't agree, then it's sent to the Department
12 of Justice and they are the final -- but they are the
13 final decider.

14 But it's not like -- you know what I mean?
15 It's not like -- people will -- the Army would send their
16 memo to the DOJ person, somebody in the Attorney General's
17 office, but -- and the Trust would send their memo and
18 that person looks over these memos and makes the final
19 decision.

20 So it does -- there is an end. It doesn't
21 just go on forever.

22 MR. BERMAN: Is there any communication
23 with Pelosi's office on this --

24 MR. COOPER: No.

25 MR. BERMAN: -- issue?

1 MR. COOPER: Not at this point. Not to my
2 knowledge. Okay.

3 MR. BERMAN: Is that something that would
4 in the end be -- I would personally like to avoid going to
5 the DOJ. I think that's a very murky area and one in
6 which Pelosi cannot really get into, but at this level
7 here, it's still possible someone in Pelosi's office to at
8 least make an inquiry.

9 MR. COOPER: Yeah. Again, you know how
10 I -- we can't really influence elected officials, but --

11 MR. BUDROE: People can, can't they? This
12 is certainly Pelosi's district. So this might -- this
13 might be something that folks have connections to some of
14 the community groups might want to think about talking
15 with them and maybe putting together a package and walking
16 into her local staffer's office.

17 MR. BERMAN: I think it's very interesting
18 opportunity. I don't know how much money is involved
19 here.

20 MR. COOPER: It's 2.5 million just off the
21 top of my head.

22 MR. BERMAN: So it's not a trivial amount.
23 Because this is an opportunity to set a precedent. I
24 don't think this is -- should be looked at as just moving
25 along in sort of back burner-type activity, because

1 whatever comes out of this could set a precedent.

2 Because you have a whole bunch of disputed
3 issues, and whatever is -- whatever gets done here would
4 worry me.

5 It isn't absolutely necessary that it's a
6 precedent, but it would certainly worry me that this would
7 be looked at in some way as a precedent.

8 So I don't think you should take this as
9 really lightly.

10 MR. COOPER: We're not.

11 MR. BERMAN: I know.

12 MR. COOPER: It has been a lot of --

13 MR. BERMAN: If it goes to DOJ, you're not
14 going to get Pelosi to be involved in that.

15 MR. BUDROE: No. There's no reason you
16 could, and she can make her influence be felt anywhere
17 along the chain, but do it sooner than later.

18 The early we have conversations with her,
19 her and her office about that, the better it's going to
20 be.

21 FACILITATOR KERN: Craig, is there any
22 reason that Craig Middleton who used to work for her
23 wouldn't be able to have communication -- I mean, I assume
24 that they do, anyway, about a variety of issues.

25 MR. COOPER: I'm sure they do. We haven't

1 even considered that. I think that the MOA was written in
2 a way that it should just unfold the way the MOA should
3 unfold.

4 That's going to be our position because
5 that's the document that we signed, and so that -- having
6 politicians get involved in it is not something that the
7 Trust would have a position on because we signed an
8 agreement that we're going to follow a certain process in
9 accordance with the MOA.

10 FACILITATOR KERN: Well --

11 MR. BERMAN: Are you concerned about the
12 potential precedent setting here? There's a whole bunch
13 of things behind this in dispute.

14 Once there's a -- once this is looked at and
15 ends up resolving in a certain way, don't you think it
16 might set a precedent?

17 MR. COOPER: Well, hopefully, you know,
18 each -- the claims after this one, each claim would be
19 looked at on the merits of the claim.

20 You know, I personally think the Trust is
21 going to win this one. I think we've got a really strong
22 case, and so -- and I hope the third tier people feel the
23 same, and if not, then the Department of Justice feels the
24 same, but yeah.

25 I'm a little concerned about precedent, you

1 know. There's probably some claims that are behind this
2 one that the Army, if they win, they'll latch on to that
3 and say, "As 2A was decided in our favor, this falls in
4 the same cat" -- they'll try to use it in their favor.

5 Just as we'll try to use it in our favor if
6 we win.

7 MR. BERMAN: Yeah, but that's why it's -- I
8 just don't understand why you wouldn't go a little bit out
9 of your way to make sure you win this one.

10 MR. BUDROE: Well, let's face it. Presidio
11 Trust can't -- is probably prohibited from lobbying
12 Pelosi. They can't do it. Craig said we signed the MOA.
13 We agreed to terms. That's all true.

14 The community didn't sign a damn thing, and
15 any of the community groups or if they can all get
16 together as a bunch and go and bring in an information
17 package to one of Pelosi's staffers and say, "Look, you
18 need to be aware of this. This is what's happening. The
19 Army is trying to stack us up on this. You know, they're
20 being recalcitrant and they're going to push it all out to
21 the end of the appeals, push it to DOJ."

22 She needs to know about it because people
23 have their ways of having influence. That doesn't
24 necessarily make the papers.

25 You know, a phone call, a letter, this kind

1 of stuff carries weight, especially when you've got
2 somebody in that position that they have to deal with.
3 Speaker of the House.

4 So, I mean, this is a really good
5 opportunity to start educating our esteemed local
6 representative about these issues. That's what they're
7 there for.

8 FACILITATOR KERN: I've got it down as an
9 action item for our next committee meeting.

10 MR. BERMAN: It's just that there's a lot
11 of money in the shortfall. It's just -- somehow if we
12 lose this one, it doesn't look good.

13 MR. COOPER: Yeah.

14 FACILITATOR KERN: Okay.

15 MR. BOGGS: I was -- just an idea to
16 consider if you are going to make efforts to contact
17 Pelosi's staff and educate her on what's happening here,
18 rather than take a particular site or a particular issue,
19 because this one's coming to the surface, broaden the
20 scope of that, start to chip it rather than 2.5 million,
21 that seventeen to nineteen million dollar shortfall, have
22 it be a more encompassing involvement if you're going to
23 get her involved so that we can make a big dent in the
24 financial situation here.

25 This is just one of several sites that are

1 coming up, so as part of that whole process, and if they
2 are going to realign things, get more money from the Army,
3 et cetera, then maybe you can use her influence rather
4 than this little thing. A bigger, broader scope.

5 FACILITATOR KERN: David.

6 MR. BACH: It sounds like what John is
7 suggesting, instead of going through the door, because the
8 MOU or memorandum of understanding that we have, be a
9 squeaky wheel through the in window, right?

10 MR. BUDROE: Pretty much.

11 FACILITATOR KERN: I've got it down as an
12 action item. Going to take more time than we have right
13 now.

14 MR. COOPER: Yeah.

15 FACILITATOR KERN: Let's finish off your
16 report.

17 MR. COOPER: Okay. We talked a little
18 bit -- talked about that there's a Mountain Lake. There's
19 a legal settlement process going on with Caltrans. We're
20 also applying for this grant for the third time.

21 FACILITATOR KERN: Ten million.

22 MR. COOPER: Going for ten million this
23 time, yeah.

24 FACILITATOR KERN: What would that be for?

25 MR. COOPER: Third bullet. It covers the

1 lake settlement remediation, the CERCLA project, the storm
2 drain reroute and the lake overview, the whole enchilada.
3 We are -- that is what we're calling it.

4 MS. PASSERO: Did you discuss this to the
5 committee meeting last time that I missed?

6 FACILITATOR KERN: Not the ten million.
7 This is the first time I've seen that.

8 MR. COOPER: Ten million's ballpark. We're
9 in the process of compiling the application, obviously.
10 The lion's share of that will be the lake sediment
11 remediation.

12 But the storm drain reroute and the pipe
13 overflow is not trivial sums of money. I mean, my last
14 memory is there was 650,000 for the storm drain reroute
15 that we applied for a couple years ago.

16 We might have to do some inflation
17 adjustment to that, and storm drain overflow I think is in
18 the 1.5 to two million dollar cost range. Those are not
19 trivial projects, either.

20 There's some -- there's an infrastructure
21 that was built back in the '30s that's broken now, and the
22 party that built it needs to fix it. Pretty easy. See
23 how you can just put things very simply.

24 FACILITATOR KERN: Michelle.

25 MS. PASSERO: I was just wondering what's

1 the evolution of that? Was it sort of brainstorming on
2 the Presidio side? Did it evolve out of a recent
3 discussion with Caltrans or --

4 MR. COOPER: To expand the scope of the
5 grant application?

6 MS. PASSERO: Yeah.

7 MR. COOPER: Again, the TEA program,
8 remember we talked about the scenario for that? May not
9 apply. May not qualify for all those things, but Caltrans
10 has actually encouraged us to apply.

11 They said there could be other sources of
12 money, including that money outside the TEA program that
13 these other projects may qualify for, and they are
14 personally going to shop them around to try to see if they
15 can get us as much grant money as possible.

16 MS. PASSERO: Is there a list of the
17 programs where that money comes from?

18 MR. COOPER: Well, I was not given a list.

19 MR. BOGGS: Are you aware that they had a
20 meeting with the Caltrans attorneys and Trust attorneys?

21 MR. COOPER: Yeah. That's the legal
22 settlement, that first bullet. I'm sure that the fact
23 that we've gotten our attorneys involved may have made
24 Caltrans more amenable to help us -- maybe help us this
25 third time, get some real grant money in our pockets.

1 All right. I know we're running out of time
2 here. Commissary PX. I've got the photos. We're almost
3 at the end of the first phase of our cleanup, and in fact
4 we've actually done excavation of four out of five.

5 But this one was a minor little hit in the
6 middle of Mason Street, and now that we kind of understand
7 these hits better, going after this and we'll document
8 this point, and under -- it's underneath Mason and it will
9 be inside the land use control zone, but we've already
10 planned to do the site remedy, anyway.

11 And now we're also taking a look, there is
12 this second phase to commissary PX. It's the backside of
13 the site. I'm going to draft a letter that Brian will
14 look at first. That will go to Devender.

15 The Corrective Action Plan already had a
16 part how to handle that, and it's just kind of a letter to
17 kick off that process, and we might actually to save
18 money, if it all works out right, just do a change order.
19 We like the construction contractor that we have right
20 now. Change order. If we can get the piper work in
21 place. Just change order them and just have them take
22 care of the Phase II and knock out the whole project.

23 FACILITATOR KERN: Maybe we can get more
24 into what you're thinking about --

25 MR. COOPER: There's stuff -- this is some

1 photos where we actually had to dig out into Mason Street.
2 I think there's some shoring that was done. I know these
3 photos are kind of hard to see, but the excavator is
4 digging underneath a lane of Mason Street there, and
5 this -- you can kind of see where the patch is now.

6 Here's the entrance to Sports Basement and
7 you can see the new asphalt where we had to dig for -- and
8 remove some petroleum contaminated soil, and this other
9 picture to the right was another dig area that was west of
10 Sports Basement and it was like our last excavation area.

11 You can see just an example of a detour we
12 set up to get the pedestrian and bike traffic around our
13 excavation area since we had to dig into the bike path.

14 1065, another petroleum corrective action
15 plan that Devender approved the cap earlier this year, and
16 we're going to be sending him the work plan for that
17 project very soon and we want -- because we want to get
18 started on this cleanup.

19 This is the picture of the 1065 cap area.
20 This is some cleanup that we did as an interim action a
21 couple years go and this building --

22 FACILITATOR KERN: Four years ago.

23 MR. COOPER: Time flies, huh? This
24 building back here is building 1063, if I got that right,
25 Brian. You can see it again here. There were some big

1 tanks here that we successfully cleaned up the soil,
2 and -- but we kept going this way and it started to head
3 toward this building.

4 As you can see how close we got in this
5 photograph, and then we basically stopped and -- we
6 started to chase it -- we didn't have any planning
7 documentation to deal with digging around and underneath a
8 historic building.

9 This is building 1063, so we had to stop and
10 then we let the cap get written and approved, and now
11 we're ready to do the second and last phase of this
12 cleanup, which is basically going to be heading underneath
13 this building here and getting the last of the
14 contamination out from underneath the building.

15 So that's going to happen this summer.

16 1349 is also coming along. 207/231, which
17 we had a -- I'm going to be working with Devender to get
18 final corrections to the corrective action plan.

19 I know that's taking forever, Devender, and
20 our consultant is rewriting the design documentation,
21 so -- we're also putting together -- there's requirements
22 on both 1065 and 207 cap to do some indoor air assessments
23 at building 228 and 1040, and we've hired EKI who did the
24 indoor air assessment at 937 to do the indoor air
25 assessment at those two buildings.

1 We think they did a really good job at 937.
2 They know the DTSC guidance very well, and that work will
3 be coming along.

4 This is what we've talked about before as
5 far as our tank closure process. The first bullet is I
6 want to let you know that we're actually going after the
7 four last known tanks, underground storage tanks in the
8 Presidio.

9 They're in basements, residents in people's
10 homes on Portola Street, and they are not happy. We'll
11 just put that out there.

12 But got to -- you know, I was thinking
13 about -- we were waiting for them -- wait for them to move
14 out and try to do it when they -- while the home was empty
15 and they like living there.

16 We have waited four years now, basically, as
17 long as I've been around, and so we're just going to go
18 and just do it. Just bite the bullet. It's only four
19 left. Get them gone and get them closed out.

20 We're sending a bunch of closeout
21 documentation. We can talk about that more -- to
22 Devender. Packages to Devender to get final concurrence
23 on.

24 Mini caps coming along, as well. I already
25 talked a little bit about the FDS. Working on

1 understanding. Under our FDS investigation work plan.

2 The lead based paint program --

3 MR. BERMAN: I lagged a little bit on two
4 slides. You mentioned the indoor air quality checkout.

5 What was found in the previous buildings
6 that EKI looked at?

7 MR. COOPER: Both -- oh, the previous
8 building that EKI looked at, that's at building 937 I
9 looked at. That's the chlorinated solvents.

10 The 228, which is the 207/231 cap, and the
11 1040, which is -- that's petroleum contamination that we
12 can't get at, so we're leaving some petroleum
13 contamination behind.

14 So there's a concern that perhaps there will
15 be an indoor air quality issue in these buildings.

16 MR. BERMAN: So they're looking for --

17 MR. COOPER: Benzene, toluene, volatile
18 components of these petroleum things. But we'll probably
19 look at all VOCs at first screen and then identify the
20 ones, like Benzene that -- it's likely it's going to be
21 petroleum related and then check the indoor air, as well.

22 MR. BERMAN: So DTSC actually has a
23 regulation for indoor air quality --

24 MR. COOPER: Yeah.

25 MR. BERMAN: -- concerning VOCs?

1 MR. COOPER: It's kind of a hot topic.
2 It's -- maybe this is a exposure pathway that we in the
3 remediation business haven't been paying enough attention
4 to, and it's fraught with error if you can't study it
5 properly.

6 DTSC issued some guidance that really gave
7 the regulated community some really specific rules on how
8 to attack buildings that may have indoor air rep.

9 So -- okay. Lead based paint. Moving
10 along. I know that Bob announced that maybe, you know, we
11 want to -- we're still operating under our RAP June 2006
12 plan, but we wanted to finalize them this year. Let's
13 talk about that.

14 I know, Bob, you mentioned that you wanted
15 to get going on that.

16 Again, we've been doing closures. There's
17 the lead based paint program by the numbers. We've got
18 our land use control plan. We're going to do our first
19 land use control annual report.

20 Mustard site. There's been action under
21 that. The Army has been out there quite a bit. They
22 removed vegetation.

23 You know, we have a final work plan that
24 everybody's comfortable with now and they're again
25 implementing that final work plan.

1 Bob and I have been out there a couple times
2 and watching the Army do their work. They removed
3 vegetation in and around these -- what I think I used the
4 word combat training area in my slide here.

5 I think that's probably a pretty fair
6 depiction of what we're looking for in this area that's
7 just above -- below Inspiration Point and above landfill
8 E, and they removed the vegetation in these kind of
9 trench, you know, and pit areas that could have been used
10 for combat, and then we did a walk-through, took a look at
11 it and Bob and I did another walk-through and we flagged
12 locations where the Army's going to actually take soil
13 samples looking for residuals such that related to combat
14 and chemical warfare agents.

15 Those samples have been selected, and now in
16 late May, the Army's going to come back and actually take
17 some wipe samples inside some buildings where these type
18 of materials may have been stored.

19 So we're actually -- after, you know, a
20 five-year delay, we're making some progress on this. I
21 think it's pretty exciting.

22 MR. YOUNGKIN: You said vegetation was
23 clear.

24 Is that duff, too?

25 MR. COOPER: Exactly. Not only the --

1 there's a lot of poison oak, but they went down and
2 scooped out all the duff so that we could actually see the
3 bottom of those trenches.

4 Remember they were full of a lot of duff,
5 you know, and leaves and stuff like that. Now they've
6 been completely cleaned out. It was there in some cases
7 pretty deep.

8 I don't know, Bob, up to -- hip high, at
9 least in some places.

10 MR. BOGGS: Yeah. It's hard to say with
11 how they slope and the fact that they've been re-
12 excavated --

13 MR. COOPER: Right.

14 MR. BOGGS: -- and became --

15 MR. COOPER: Kind of caved in in some
16 places. Pretty interesting.

17 We already talked about that. There we go.
18 Recently -- these are things that have come out over the
19 last couple months. For your information.

20 FACILITATOR KERN: Thanks very much for
21 allowing us to rearrange your presentation. Just a couple
22 more items here before we wrap up.

23 Anything from Bob or Devender?

24 MR. BOGGS: No. CEQA documents made it to
25 the state clearing house just fine and they did get

1 distributed to agencies. So we're fully in the comment
2 period and --

3 MR. COOPER: Awesome.

4 MR. BOGGS: -- have our fingers crossed.

5 FACILITATOR KERN: Devender.

6 MR. NARALA: Yeah. On May 21st, the -- our
7 whole state, they have a meeting, monthly meetings all
8 over the state, DOD, Department of Defense program
9 managers meet once a month, and this time they're meeting
10 in Region 2, which is the Oakland office, and they wanted
11 to see a site for a field trip and everybody said the
12 Presidio is a good site to see.

13 FACILITATOR KERN: Very good.

14 MR. NARALA: So I've been talking to Craig
15 and Brian. They've been very helpful. On May 21st, there
16 will be twenty to 25 people coming --

17 FACILITATOR KERN: Wow.

18 MR. NARALA: -- taking a tour of Presidio,
19 and Brian has arranged for some park rangers.

20 We're probably going to go to Crissy Field,
21 stand on the deck and take a look and give a previous
22 history and stuff like that, and from there, we'll look at
23 the -- which one?

24 MR. COOPER: Fillsite 6A. We might go to
25 Baker Beach 3.

1 MR. NARALA: So --

2 MR. BERMAN: That's an excellent choice,
3 and especially if you can get some of those before
4 pictures if you still have any of those around.

5 MR. COOPER: Mm-hmm.

6 MR. NARALA: So that's the plan. I just
7 wanted to let you all know. If you want to drop in and
8 join the gang and walk around or whatever --

9 FACILITATOR KERN: It would be nice -- it
10 just occurred to me -- to get some photos of that crowd
11 taking a look at the cleanup sites. Maybe getting some
12 comments.

13 MR. NARALA: The last thing we're going to
14 go is go under the Golden Gate Bridge and hopefully find
15 somebody who can talk about the complex of the bay and
16 water tracks and what happens when it comes here.

17 We'll try and do something like that. It's
18 going to be a fun day.

19 FACILITATOR KERN: Very nice. Thank you.

20 MR. NARALA: Thank you.

21 MR. BERMAN: Doug, you're an ace with the
22 camera.

23 Do you think you could spare a little bit of
24 time and get a photograph and then send it to The
25 Chronicle?

1 FACILITATOR KERN: Yeah, really. What time
2 is the meeting?

3 MR. NARALA: It starts about ten o'clock in
4 the morning and goes on till like 2:00, so we're going to
5 meet at Crissy Field observation deck about 10:00, 10:15,
6 around there, and from there we come to 6A and hopefully
7 go to that Lucas Center to sit down and have lunch there
8 or something.

9 FACILITATOR KERN: I can make that meeting.
10 Very nice.

11 Any new business? Public comment.
12 Just reviewing our action items, in no
13 particular order here. I'll rearrange these the best I
14 can, but for our next committee meeting, we're talking
15 about putting together some kind of package, informational
16 package for Nancy Pelosi's staff, looking at the
17 remediation program, budget shortfall and the kinds of
18 sites that they might have an interest in from 2A and
19 other cost overrun sites. Putting something together
20 there.

21 MR. BERMAN: Just a comment.

22 FACILITATOR KERN: Yes.

23 MR. BERMAN: It's not clear that Pelosi's
24 office is going to understand the -- the -- the
25 adjudication process that's gone on so far, so as part of

1 the information package, you might want to, you know, pull
2 out those -- that process from the MOU.

3 FACILITATOR KERN: Right.

4 We have the commissary. When we kind of
5 zoomed by that site, there were a few things that caught
6 my attention with the Phase II part that you wanted to
7 discuss.

8 MR. COOPER: Mm-hmm.

9 FACILITATOR KERN: It also occurred to me
10 the last time that I looked at the financial data for
11 commissary, it looks like it projected at four or five
12 million dollars and I thought I would check in with you
13 about are we spending all that? Do we save some money
14 given that we didn't clean up the whole thing and what is
15 Phase II going to cost?

16 MR. COOPER: Mm-hmm.

17 FACILITATOR KERN: So there's a potential
18 for millions of dollars of hopefully were not spent.
19 Anyway, I want to verify that with you on the commissary.

20 Looking at this combination idea that --
21 this was item 5D and E, the financial reporting and the
22 fundraising/prioritizing issue of sites.

23 We'll want to talk about the committee
24 meeting, the results of the RAP4 meeting that we're going
25 to have on May 15th. We'll want to talk about anything

1 that has come up as a result of the public meeting on May
2 15th and any public comment that has come up, or any
3 newspaper articles that have come up. We'll check in
4 about all those things.

5 I have a note that we didn't really talk
6 about too much tonight, but the lead based paint RAP. We
7 want to make sure that's included in the schedule.

8 So there's quite a number of action items.
9 Anything else that I missed?

10 MR. BACH: I want to endorse what you said
11 earlier. It might be good that a letter be composed. You
12 were going to pass around an e-mail --

13 FACILITATOR KERN: Thank you.

14 MR. BACH: -- that we could all --

15 FACILITATOR KERN: RAP3 letter. Good.

16 Thank you.

17 MR. BERMAN: Also, on the same -- on the
18 same venue, maybe a reminder going out to everybody that
19 you can think of about the public meeting next Tuesday.

20 FACILITATOR KERN: Oh, yeah. Very good.

21 MR. COOPER: Are you going to do that, that
22 reminder notice to the RAB, for example?

23 FACILITATOR KERN: Mark and I will work it
24 out.

25 MR. COOPER: Yeah. I think I probably have

1 told people about this meeting.

2 MS. PASSERO: If there's time in the next
3 meeting, getting a little more detail on the Mountain
4 Lake --

5 FACILITATOR KERN: Mountain Lake --

6 MS. PASSERO: -- discussions and plan.

7 I know you're grimacing right now.

8 MR. COOPER: Yes. They are subject to, you
9 know, legal confidentiality negotiations right now.
10 Whatever settlement is agreed to will become definitely
11 public, but --

12 MS. PASSERO: Right. The grant money.

13 MR. COOPER: The grant application process.
14 Oh, we can talk about that in excruciating detail.

15 MS. PASSERO: More so.

16 MR. COOPER: Yeah.

17 FACILITATOR KERN: Are there any other
18 items? Thank you for adding those.

19 Any other items tonight for the good of the
20 order?

21 Seeing none, and without objection, meeting
22 adjourned. Thank you for everyone coming out tonight.

23 (The meeting concluded at 9:17 PM).

24 ---o0o---

25

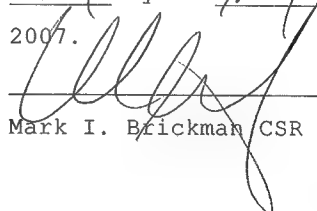
1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)
3

4 I, the undersigned, hereby certify that the
5 discussion in the foregoing meeting was taken at the time
6 and place therein stated; that the foregoing is a full,
7 true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the foregoing
10 meeting and caption named, or in any way interested in the
11 outcome of the cause named in said action.

12
13 IN WITNESS WHEREOF, I have
14 hereunto set my hand this

15 23rd day of May,
16 2007.

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25
Mark I. Brickman CSR No. 5527

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DRAFT REMEDIAL ACTION PLAN
BAKER BEACH DISTURBED AREAS 1 and 2A
and TWENTY-SIX OTHER SITES

PUBLIC MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, MAY 15, 2007
LOG CABIN, PRESIDIO
SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

PARTICIPANTS

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38

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40

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1 MS. JANSSEN: Okay. Good evening and
2 welcome to the public meeting for the proposed Remedial
3 Action Plan for Baker Beach and 26 other sites. I want to
4 thank you for coming. I know the Log Cabin isn't an easy
5 place to find, but you're all here and we appreciate you
6 attending tonight.

7 My name is Linda Janssen. I'm a Public
8 Participation Specialist with the Department of Toxic
9 Substances Control and I'm going to get the meeting
10 started tonight.

11 We're going to give you a brief presentation
12 on the proposed cleanup activity, answer any questions
13 that you have.

14 If you have questions during the
15 presentation, please just raise your hand or ask your
16 question at the time. If it gets too crazy doing it that
17 way, we'll ask you to hold questions until the end, but
18 I'd like to have more of an informal environment for
19 the -- for the meeting tonight.

20 We're currently in the thirty-day public
21 comment period for the Draft Remedial Action Plan, and
22 that public comment period ends on June 7th. We'd be
23 happy to take your verbal or written comment this evening.

24 There will be an opportunity to give your
25 verbal comment after the presentation, and if you prefer

1 to submit written comments, we have a comment form that
2 you can use, or you can e-mail or send your comments in
3 after the meeting before the end of the public comment
4 period.

5 If you haven't already signed in, I'd like
6 for you to take a moment before you leave to sign in on
7 our table in the front, and we also have handouts there
8 that will be helpful for you to follow along during the
9 presentation.

10 Restrooms are very convenient. They're
11 right here. Feel free to use them at any time. We do
12 have water and cookies in the back of the room.

13 There will be a break after the presentation
14 and before the formal public comment period, so you can
15 enjoy those refreshments.

16 I'd like to briefly introduce other members
17 of the project team that handle the day-to-day activities
18 here. Mr. Robert Boggs with the Department of Toxic
19 Substances Control. Craig Cooper with the Presidio Trust.
20 Brian Ullensvang. He's with the National Park Service,
21 and our first presenter this evening is Craig Cooper.

22 MR. COOPER: All right. Good evening,
23 everybody. My name's Craig Cooper. I work for the
24 Presidio Trust. I'm in charge of the Presidio
25 Environmental Remediation Program. I'm going to give the

1 presentation section.

2 As Linda said this evening, we have two parts.
3 I'm going to do a brief presentation with Brian
4 Ullensvang, and then the second part is where the public
5 gets to talk and give us comments about our cleanup plans
6 that we're presenting.

7 So first of all, we -- we're talking about
8 this Remedial Action Plan. We can talk a little bit about
9 what this -- what it is.

10 It's a document. This is it here. It's
11 actually a very big document. It's two big binders, so
12 instead of having people -- you're certainly welcome to
13 read it. There's copies of this document available at the
14 Trust library. You can also access it online.

15 We'll have information later on in the
16 presentation about how you can access information, but in
17 this fact sheet that -- hopefully everybody was able to
18 pick up a copy of this, and if you don't, you can go -- we
19 have a whole bunch of extra copies.

20 This provides -- this was mailed out to
21 2,000 or so folks here that live in the Presidio and
22 nearby that are on our Presidio mailing list.

23 This provides a nice summary of -- it
24 provides a nice summary of what's in these documents here,
25 and then tonight I'm even going to summarize it, as well.

1 So my goal is to give you a -- a good idea
2 of what's in these documents here so you can provide
3 comments on our cleanup -- on our cleanup plans.

4 Again, there's -- this particular document,
5 the Remedial Action Plan, I'm going to start using that
6 acronym RAP or Remedial Action Plan proposes cleanup plans
7 for eighteen sites. Those are eighteen places in the
8 Presidio where the Army had activities that may have
9 caused contamination.

10 As you can see, there's eight -- did I say
11 eight? There's 28 sites in the Remedial Action Plan.
12 Eighteen sites are recommended for actual formal cleanup.
13 Ten sites were already -- are actually recommended for no
14 action. The tests were so low that there's no need to
15 take an action, and again, we're inviting public comment
16 on this.

17 So after we -- as Linda said, the public
18 comment period ends on June 7th. After we accumulate all
19 the public comments on that, there'll be a process --
20 we'll talk about how public comment is in -- incorporated
21 into our final cleanup plan, and then we actually write a
22 final version of this document here that both the Presidio
23 Trust signs and the state regulator, the Department of
24 Toxic Substances Control sign, and after we sign off on
25 the final version of our document, then we can start the

1 cleanup work.

2 And we hope to get started actually as early
3 as this summer, and then there will be more projects
4 planned for the summer of 2008 and 2009.

5 All right. Just real quickly about agencies
6 again. I work for the Presidio Trust. We inherited the
7 Army's cleanup program several years ago and we're
8 cleaning up -- we got a sum of money from the Army to do
9 this work, and we are cleaning up sites in all portions of
10 the Presidio, including the portion that's administered by
11 the National Park Service.

12 The National Park Service administers the
13 coastal portions of the Presidio. The Trust has got the
14 inland portions. So coastal area is Area A. Inland is
15 Area B.

16 Okay. Next up.

17 So we also have two state regulators that
18 supervise the work of the Presidio Trust. The first one,
19 Department of Toxic Substances Control. That's
20 represented by Bob Boggs, who was introduced earlier, and
21 he is the lead regulator for the cleanup plans that we're
22 presenting tonight.

23 So if you don't -- you want to talk to
24 the reg -- get the regulators's perspective on these
25 cleanup remedies, you can speak directly to Bob tonight.

1 Also we have a second reg -- regulator, as
2 well tonight from the Regional Water Quality Control
3 Board. His name is Devender Narala. You can raise your
4 hand. He's back there.

5 The Water Board is here basically in a support
6 role supporting DTSC as a regulator. They're the lead
7 regulator for wherever there's petroleum spills, and
8 that's a whole different universe of -- of environmental
9 sites that we have here in the Presidio.

10 Okay. So let's get back to this document
11 right here, the Remedial Action Plan.

12 We studied and investigated 28 sites that
13 we're going -- that I'm going to present. As far as --
14 and they're all sites, like I said, that the Army had
15 activities at. Three of the sites are landfills.

16 There's a total of approximately fifteen
17 landfills left behind by the Army in the Presidio, and we
18 have cleanup plans tonight that we're talking about three
19 of them.

20 There's seventeen sites where the Army, you
21 know, had maintenance and operation activities where they
22 spilled chemicals on the ground or there's a fear that
23 they spilled chemicals, and then six sites that they
24 actually stored chemicals and equipment, and then two
25 sites where they had firing ranges, where they practiced,

1 and the fragments from shooting the guns and so on have
2 left contamination behind. So that's the overview of the
3 28 sites.

4 And where they're located now, as you know,
5 the Presidio is a national park, and in this Presidio
6 park, we have a variety of -- of land uses here. Some of
7 it is -- you know, some of these remediation sites are
8 located in open space, recreational uses.

9 Some are down in the Main Post area where
10 there's, you know, commercial uses, office space. Some
11 are in residential areas and some are in open space that's
12 used for habitat restoration. That would be mostly here
13 in the western portion of the Presidio.

14 But that's important to kind of know
15 where -- and this is a map that's also in this proposed
16 plan fact sheet that it shows the location of the
17 remediation sites.

18 As you can see, they're pretty much
19 scattered throughout the Presidio. Just to highlight a
20 few, the two important ones in our cleanup plans are these
21 two, Baker Beach landfills that Brian is going to talk
22 about tonight.

23 They're in a natural restoration area of the
24 Presidio, but as you can see, there's -- there's sites
25 scattered throughout the Presidio, and it's important to

1 know not only the location, but the planned use of the
2 site because we want to make sure that our cleanup plans
3 are -- we clean up the soil, let's cleanup that makes -0-
4 that is consistent with that future use.

5 So if we're cleaning up a site that's in a
6 residential area, we want to make sure that we meet
7 cleanup standards that are suitable for residential use.

8 If we're cleaning up a site in an ecological
9 area, the natural resource area, we want to make sure that
10 we clean up to make sure that it's safe for the ecological
11 use of that site.

12 So it's important to know not only what the
13 contaminants are, but where the site's located and what is
14 it going to be used for.

15 So speaking of investigations, we at the
16 Presidio Trust spent a significant amount of time and
17 money investigating these sites.

18 So the first thing we do is we pull all the
19 historical records from the Army. There is an archives
20 here in the -- the Presidio where we research all the
21 records.

22 The Army did in some of the sites start the
23 investigations, but we basically -- you know, in many
24 cases started from scratch again and -- and rechecked the
25 Army's work, and then we would go out and take our own

1 samples ourselves, go out and take soil samples.

2 If there is a -- if necessary, we'd punch
3 holes in the ground and -- and put in a well and test the
4 groundwater, and if the site has what's called a -- a
5 surface water seep where groundwater is just surfacing to
6 the ground surface, we'll test that water, too, and what
7 we're looking for contaminants.

8 Is there contaminants in the soil, in the
9 groundwater, in the surface water and are they at
10 concentrations that presents a risks to humans or the
11 environment, ecological users.

12 So -- and like I said, we're -- we also call
13 these contaminants chemicals of concern. That's just a
14 fancy term, you know, for contaminant, and types of
15 contaminants that we found at these 28 sites include
16 petroleum, hydrocarbons, PCBs, which are, you know, a
17 component in electronic transformers, polycyclic aromatic
18 hydrocarbons, which is a mouthful. It's another type of
19 contaminant oftentimes associated with burn products or
20 asphalt. Solvents, VOCs and pesticides.

21 So these were all things that we kind of
22 knew -- we knew to look for those type of contaminants
23 based on the records that the Army kept, and -- or at
24 least knowing the type of activity that the Army
25 conducted, and then we know, oh, that type of activity

1 oftentimes causes this type of, you know, chemical spill
2 to happen, and so we'll look -- we'll take the right type
3 of test to find the contaminants.

4 All right. So after we feel comfortable --
5 and I want to reiterate that each step of the way, when we
6 do these studies -- because probably the most important
7 step that we take is the investigation step, because if
8 you -- you know, it's very important to fully understand
9 all the contaminants that are present.

10 Not only each step of the way do I have -- I
11 work with Brian Ullensvang from the Park Service, but each
12 step of the way, we -- I have to get regulatory approval
13 from the state regulators, from DTSC or from the Water
14 Board, and on top of that, I'd like to reiterate, because
15 we have some members tonight from our Restoration Advisory
16 Board, which is a community oversight group, and -- which
17 we meet twice a month, so when we develop an investigation
18 work plan, this isn't just something that the Presidio
19 Trust and the regulators look at.

20 Every investigation work plan is looked at
21 by the public from the members of the Restoration Advisory
22 Board. They are fully involved in what -- how many
23 samples we take, what -- what contaminants we should look
24 for, and they are -- it's a very interactive program and
25 very open-ended, and if anybody here from the public would

1 like to come to those meetings, you're certainly welcome.
2 They're open to the public.

3 So again, when we finish studying each of
4 these sites and taking all these soil tests and then
5 publish that data and we're comfortable that we -- we
6 understand, you know, what -- what the contaminants are,
7 then we can start to un -- then we can start to put
8 together cleanup options, and that document is called a
9 feasibility study.

10 So we put a range of cleanup options
11 together. Should we dig up the contamination? Should we
12 put a cover over it or do we need to do anything at all?
13 Or maybe no action.

14 And so these -- this feasibility study is a
15 separate document that's put together by the Presidio
16 Trust with the oversight of these agencies that I've
17 talked about.

18 They rec -- those recommend cleanup actions,
19 and then this document here summarizes the feasibility
20 study and actually is going to be kind of the final step
21 that will select and finalize and lock the Presidio Trust
22 into having to do the cleanup plans that are required by
23 the final version of this document. Okay.

24 Any questions on that kind of investigation
25 and remedy selection process?

1 All right. So what do we look for when
2 we're trying to select the cleanup plan?

3 First of all, the Presidio remediation
4 program, we have kind of big picture objectives on what
5 we're trying to achieve when we clean up a site.

6 First and foremost, we want to make sure
7 that people are protected, so that's protection of human
8 health, and -- and then along with that, we want to make
9 sure that all the special ecological receptors, the plants
10 and the animals that live here in the Presidio are -- are
11 safe and won't be harmed by the contamination.

12 We want to make sure our cleanups are cost-
13 effective and we want to be consistent with the -- with
14 the future plans of -- of transforming the Presidio into a
15 national park.

16 That includes future plans of the Park
17 Service in the coastal region and the future plans of the
18 Presidio Trust in the interior of the park.

19 In the landfills where we pull out big
20 chunks of concrete and things like that, to the extent we
21 can, we try to recycle that -- those pieces of concrete.

22 Lots of times we'll hit a lot of green waste
23 like stumps and logs, and so we try to recycle when we
24 can.

25 Obviously we have to comply with all the

1 state and federal laws that apply to a cleanup program,
2 and because we are a national park, the Presidio Trust,
3 along with stakeholders, we have a preference for clean
4 closure, so we'll even see tonight we're not -- and clean
5 closure means complete excavation and removal of the
6 contamination. So that's a state of art term that we use
7 for that.

8 So we like clean closure remedies. That
9 means dig it up and haul it away type remedies, but we
10 can't because of practicality purposes in some cases and
11 sometimes it's just not very cost-effective to do, we'll
12 take a look at other options, as well.

13 All right. So for the 28 sites that were
14 considered in this document, we looked at a range of
15 cleanup options all the way, you know, from no further
16 action, which means, you know, you don't need to do
17 anything at all, to a land use control, which I'll explain
18 in a minute what that means, to various ways to dig up the
19 contamination and/or to place a cover over the
20 contamination, and in some of the remedies, it's necessary
21 to monitor groundwater, as well.

22 So we basically -- for each -- you know it
23 says here one or more of these -- of these remedial
24 alternatives or cleanup options were evaluated for each of
25 the -- each of the sites where a cleanup was necessary.

1 And under federal law that kind of guides --
2 and state law, for that matter -- that guides our
3 remediation program, we have specified evaluation
4 criteria.

5 So the Presidio Trust just can't make up its
6 own criteria on, you know -- on how we're going to
7 evaluate these alternatives or cleanup options.

8 These are the criteria that we have to
9 evaluate when we -- when we're trying to decide on which
10 cleanup option makes the most sense for particular sites.

11 This is the evaluation criteria that we are
12 required to use: Number one, does the cleanup option
13 protect people and the environment? Number two, does it
14 comply with state and federal laws?

15 Those two are criteria are absolutely
16 required. We're not allowed to select a cleanup option
17 that doesn't meet those first two criteria.

18 Criterias three, four, five, six and seven
19 are the criteria that we kind of use. They're called
20 balancing criteria, and we use those criteria to kind of
21 weigh the pros and cons of each of the cleanup options,
22 and it helps us identify the strengths and weaknesses of
23 various cleanup options that we are evaluating.

24 And then the last two criteria actually
25 occur for the most part during the public comment period.

1 It's getting the final opinion from the regulatory
2 agencies as to how they feel about the -- what the
3 Presidio Trust is recommending, and then community
4 acceptance, which is the primary purpose of this
5 particular meeting is for us to start getting a handle on
6 how to -- how does the general public feel about the
7 cleanup options that the Presidio Trust is recommending.

8 All right. So now I'm going to get right
9 into what are we recommending out of the 28 sites that are
10 in this document.

11 So for ten of the sites, we are actually
12 recommending no action, and we went and we tested these
13 sites and we found from the data, the soils data for these
14 sites indicated that they -- either absolutely no
15 contamination was found whatsoever or the contamination
16 was so low that it already met what we call cleanup
17 levels, that there was -- it was -- those areas are
18 already -- are already safe for people to be there and for
19 our environmental receptors.

20 So that -- that covers ten sites, and again
21 a full detailing of the ten sites are here, and also if
22 you picked one up, there is a table if you want, even a
23 quick summary table of what this says.

24 This has a -- this is another quick remedy
25 summary table of the 28 sites.

1 All right. So out of the -- out of the 28
2 sites, ten are recommended for no further action. So that
3 means eighteen did have some contaminant levels that need
4 some form of a remedy or cleanup action, and so at
5 eighteen sites, the soils data or the groundwater data
6 indicated that we needed to take some type of action to
7 make sure that people and the environment are protected.

8 All right. So out of these eighteen sites,
9 we are recommending that at fourteen of them, we would
10 like to dig them up, basically. Dig up the contaminated
11 soil and segregate and recycle debris as appropriate.

12 Obviously, you know, that -- the -- the
13 recycling concept really only applies to our landfill
14 projects and -- but anyway, so we dig it up and then
15 off-site disposal of the soil.

16 That means put it in trucks and then the
17 trucks drive it away outside the Presidio and take it to
18 licensed landfills that are appropriate for the type of
19 waste that we're digging up. Okay.

20 So out of the fourteen, you can see that
21 there's nine sites where we're fully cleaning up and
22 removing one hundred percent of the contamination.

23 Then there's five sites where we're digging
24 up the site, but basically focusing on hot spots and
25 higher concentrations at the sites, and then for the lower

1 levels, we are leaving that in place and using what's
2 called an Administrative Land Use Control for that, and --
3 so let me explain what that is in a second.

4 An Administrative Land Use Control is
5 basically the Trust promising to the regulatory agency,
6 then to the general public that because of these low
7 levels of -- of contaminants being left in place, we will
8 not allow certain types of uses at that particular site in
9 the future.

10 So what that usually means is that, for
11 example, we would -- there's low levels there and we would
12 not allow residential use of this particular piece of
13 property; that general recreational use would be okay, but
14 we wouldn't build a home and -- and allow residential use.

15 So that's what an Administrative Land Use
16 Control is, and so the Trust has to take certain internal
17 controls and paperwork to make sure that that -- that the
18 land use for that site is controlled in the future.

19 All right. So again, fourteen sites for
20 cleanup, nine fully excavated and removed, five partially
21 excavated and then with low levels under a land use
22 control.

23 So then we have one site where we're
24 actually recommending putting -- leaving the -- leaving
25 the site in place. We're not going to do any digging and

1 we're going to cover it with three to five feet of dune
2 sand, and then that dune sand will be restored.

3 The reason we went for that particular
4 remedy is that it was a very large site with low
5 concentrations, concentrations high enough necessary for
6 some type of cover, but we decided it wasn't cost-
7 effective to dig up a very large site with low
8 concentrations in place.

9 So -- and then for three sites, we are -- we
10 have just an Administrative Land Use Control only, so
11 that's what I explained. Just making sure that in the
12 future, we don't allow an inappropriate use of that
13 particular property, and again, we're not leaving high
14 concentrations at the cover in place or the Administration
15 Land Use Control site. They are relatively very low
16 concentrations.

17 Okay. So for the cost, all of the, you
18 know, sites added together -- obviously the no further
19 action sites, they don't cost anything as far as a remedy
20 implementation, but for the eighteen sites that require a
21 remedy, if you add all that work up, it's 15.6 million
22 dollars' worth of -- worth of cleanup work that we're
23 proposing.

24 The vast majority of that work, 14.4 million
25 is capital expenses. That means the actual construction

1 of the hiring -- hiring the contractors to bring in the
2 excavation equipment, to dig it up and to get the trucks
3 and to haul it away to landfill.

4 So the vast majority of our money is going
5 toward the actual cleanup the capital expenditure of
6 the -- for the cleanup work.

7 Some money is necessary -- 1.2 million is
8 necessary for operation and maintenance. That means kind
9 of longer term groundwater monitoring of the sites or the
10 site that has had a cover on it. We want to make sure
11 that cover stays in place, and it also includes -- next
12 slide.

13 All right. So now Brian Ullensvang from the
14 National Park Service is going to talk about two of the
15 sites in particular, the two most, you know, probably
16 important sites in this particular Remedial Action Plan.
17 They're called Baker Beach Disturbed Areas 1 and 2A, so
18 where that said, I'll turn it back to Brian and I'll come
19 back and finish up the presentation.

20 MR. ULLENSVANG: Thanks, Craig.

21 Craig has already talked about -- and I want
22 to fully explain why I'm here tonight for just two of
23 these sites. These charts are weighted to get that
24 information across.

25 For the cost compared to the other

1 excavation sites, these two sites together represent about
2 55 percent of the cost that's going to go into the
3 excavation alternatives.

4 For the volume of material that's going to
5 be removed from all of the sites combined, this represents
6 over seventy percent of the volume.

7 So these two sites are the biggest sites in
8 this document and it overwhelms a significant portion of
9 the aggregate work that's proposed here.

10 Next slide.

11 For those of you who don't remember the map
12 that Craig showed you at the beginning, I'll show you a
13 focused area of where we're talking with these two sites.

14 The Golden Gate Bridge, you see the toll
15 plaza here just above us on the map, Baker Beach Disturbed
16 Area 1 and Baker Beach Disturbed Area 2. These are cliff
17 sites and they extend from the top of the cliff all the
18 way down to the beach.

19 These sites were formed by a variety of
20 activities that the Army did. Essentially they dumped
21 waste over the edge.

22 For a large part, the largest of them, Baker
23 Beach 1, there was actually an incinerator. This is a
24 picture of the incinerator back in the '30s that was used
25 to burn waste and the incinerator ash and material that

1 wasn't put in the incinerator was thrown over the edge.

2 Maybe back then, people thought that things
3 thrown over the edge went away, but what we learned is
4 they didn't go away, and now we've created a mound area
5 that extends from the very top of the cliff all the way
6 down to the beach, and there is debris, although not
7 contaminated debris, on the beach.

8 The Trust -- and prior to the Trust, the
9 Army -- has done extensive studies of these sites.
10 They've done research on the cultural features that are at
11 these sites that need to be protected.

12 For these sites, the batteries at the top of
13 the bluff are important resources at this park. Waste is
14 on this resource and part of this work will be to remove
15 that, and we need to know exactly what that resource is so
16 we can protect it during the work.

17 Very important wild habitat in this area.
18 For those of you who are familiar with this part of the
19 park, it's a gorgeous habitat and we need to know what
20 that is so that it can be protected and ultimately
21 restored in the areas of the landfill.

22 Any of you who are familiar with earth
23 moving, you know that they're -- working on a cliff is
24 difficult and there's always the concern you may make
25 things worse, so the Trust has done significant technical

1 work making sure that they understand the processes that
2 exist at this cliff so that the disability of the cliff
3 does not get worse than it would be naturally, and this is
4 a complicated process.

5 The construction that is being proposed and
6 done out here is -- is very challenging. These are very
7 steep slopes and a lot of care and planning is going into
8 this process, so that it will be done safely and in a way
9 that doesn't affect either visitors or the resources of
10 what's in this area.

11 The current proposal and plan is to start
12 this work very shortly after the signature is gotten. So
13 we're looking sometime this summer, hopefully July time
14 frame.

15 We think it will take about four months for
16 the work to go on.

17 Whenever we do this type of construction, we
18 don't know exactly what we're going to get into. There is
19 some uncertainty as to the exact duration, so I'm not
20 going to give you specific dates.

21 The current plan is that both sites will be
22 worked on together, and that may mean that we start at one
23 and end up at the other, but the whole area will be part
24 of a construction zone during this time.

25 To give you some idea, here is a picture of

1 Baker Beach, and I think this looks like Baker Beach 2A.
2 This is a spider excavator. This is a very unusual piece
3 of equipment. There's a larger photograph in the back
4 there that you can look during the break or after the
5 meeting.

6 This excavator is specifically built and
7 designed to work on steep slopes. It has a great
8 application to this project. It walks, and it can walk
9 down the edge of the cliff.

10 It's got wheels and so it can -- as a spider
11 crawl its way through and safely work on this sort of
12 vehicle -- on this sort of site.

13 There will also be conveyor belts, lines
14 that will be put together so that the waste can be hauled
15 up to the top of the cliff and then trucked away from the
16 site.

17 There will be -- because of the extent of
18 construction, there will be trail closures and area
19 closures during the work for safety. We have flyers for
20 people who are interested. We can hand them -- give you
21 them out to you, but this general area will be closed at
22 least intermittently and likely for large periods of time
23 during the actual excavation, and that's because it's not
24 safe to be in and around this heavy construction
25 equipment.

1 We're concerned that if you're below the
2 area that's working, rocks may fall down the cliff and we
3 don't want to have any accidents during this work.

4 The Trust has -- understands this is a very
5 heavily used area of the Presidio and they have hired a
6 group of people through the Golden Gate National Parks
7 Conservancy who will be out there during the work helping
8 people to understand where the closures are, what's going
9 on and hopefully direct people to places that they can
10 still use and enjoy the resources that are in this park.

11 So I want to go over just a few closing
12 elements here.

13 Following the removal of the waste, the
14 sites are going to be left in a natural condition, so
15 there will be a -- an adjustment period as the sites
16 recover from the construction, but the idea is to restore
17 the natural contours and the natural habitat that will be
18 at this site.

19 Because of the disruption, there will have
20 to be some interim control -- erosion control that will be
21 done. These will include straw waddles and other types of
22 materials that will slow the water down so we don't have
23 erosion until a natural habitat is restored.

24 So there will be some aesthetic issues for a
25 while, and it won't look natural until sometime in the

1 process.

2 We're going to have heavy involvement with
3 the resource specialist, both the cultural resources and
4 the natural resource specialist to make sure that this is
5 done in a way that protects to the utmost the resources
6 that we have at the site.

7 There's other work going on in this general
8 area of the park. For those of you who do use this area
9 of the park frequently, you will notice that the trail
10 improvement area, trail work has already started in this
11 area. It started last summer and it's continuing this
12 summer.

13 We're coordinating the two projects so that
14 we don't have an impact and there are places for people to
15 go and use this general area of the park.

16 I think Craig's going to finish up the
17 meeting tonight.

18 MR. COOPER: All right. We're almost
19 there, almost done.

20 One -- one extra component that we need to
21 talk about is this concept of a California Environmental
22 Quality Act document, and it's called CEQA, and so
23 basically the Remedial Action Plan recommends cleanup
24 actions for those eighteen sites, right? And a lot of
25 them involve construction work and moving trucks and

1 digging up stuff.

2 This document under the CEQA is -- it
3 evaluates what kind of impacts will that construction work
4 cause on the environment and on people and so on.

5 So, you know, as Brian said, those spider
6 excavators moving up and down the slopes. Will that --
7 won't we be trompling, you know, endangered species
8 plants, you know, by operating them or will they make a
9 whole bunch of noise or will they belch out a whole bunch
10 of, you know, pollution and things like that? Will the
11 truck traffic -- like I said, we're going to be hauling
12 away the contamination.

13 So there will be trucks coming in to the
14 Baker Beach sites getting loaded up with material and then
15 driving away.

16 So this -- there is -- so in addition, we do
17 this extra study what kind of impacts will the physical
18 construction work cause on the environment, on the park
19 users, on park tenants and park residents.

20 And so that is -- I just wanted to highlight
21 that, that it is actually in appendix E of the Remedial
22 Action Plan, and the Department of Toxic Substance Control
23 is actually the lead agency for the CEQA document and they
24 are inviting comment on that document, as well.

25 So you can comment on the Presidio Trust

1 recommendations for the cleanup actions themselves and you
2 can comment on DTSC's conclusion that the cleanup work
3 itself will have no significant negative impact on the
4 environment.

5 So they've concluded that there'll be
6 limited and minor short-term impacts such as some noisy
7 equipment and some air quality impacts during -- primarily
8 during or following the remedial actions, but overall,
9 we're -- we're making the environment better is what their
10 study concluded.

11 So they've prepared a document called a
12 Negative Declaration. Again, it's in appendix E here and
13 in the RAP, and you can -- you can raise -- ask questions
14 or make comments on that document, as well, tonight.

15 Is that the end? Okay. So that's the end
16 of the presentation, so we're going to take a -- a brief
17 break and then it will be your turn to provide comments.

18 Again, there's all different ways to provide
19 comments tonight. You're -- you're encouraged and more
20 than welcome to provide verbal comments tonight. They'll
21 be recorded by the court reporter, and we will make a
22 pledge to respond to each and every comment provided
23 tonight, and actually any comment provided during the
24 public comment period, and if you don't want to take
25 tonight, there are comment cards, Linda --

1 MS. JANSSEN: On the table.

2 MR. COOPER: Let me grab one of those. So
3 if you're feeling shy and you still want to make comments,
4 just fill this out and write your comments on this and
5 then provide your comments to -- to Linda, and that's
6 another way to comment, or if you don't -- if you're not
7 prepared to make your comment tonight, you can still write
8 in your comments. It just needs -- you can send it in by
9 e-mail or by regular mail. It just needs to be postmarked
10 by June 7th.

11 And there's our e-mail addresses. You can
12 either e-mail directly to me or to Bob at DTSC, and if you
13 want to mail us, our mailing addresses are in this fact
14 sheet. It's on the back page.

15 All right. So we're going to take, you
16 know, about a five-minute break and we'll get set up to
17 take public comment.

18 Thanks, everybody.

19 (Recess taken).

20 MS. JANSSEN: We're going to open the
21 public comment period.

22 As we mentioned before, there -- we will
23 take your verbal comments this evening, which you can also
24 fill out a comment card and submit that if you want to do
25 to want to do a verbal comment.

1 If you do have a question or you want to
2 give a comment, we'd appreciate it if you would state your
3 name and spell your name so the court reporter can take
4 that information down. And I'll just open it up.

5 Are there questions about the presentation
6 or is there anyone who wants to give a public comment?
7 Yes.

8 MR. KERN: I would like to give a public
9 comment.

10 MS. JANSSEN: Okay.

11 MR. KERN: Just right here? Would that be
12 fine?

13 MS. JANSSEN: Sure

14 MR. KERN: My name is Doug Kern, D-o-u-g
15 K-e-r-n. I'm a community member of the Presidio
16 Restoration Advisory Board. I've been on that board since
17 it has begun back in 1994 when we -- the Army was here.

18 I've reviewed these plans extensively for
19 that time period. I've been heavily involved in reviewing
20 this plan and commenting on it as it developed. It's a
21 very complicated document.

22 I feel that there's been considerable
23 comprehensive and exhaustive testing and examining of
24 these remedies for these sites. I think they were -- have
25 been appropriately selected and that the remedies are

1 going to be -- serve the presidio well for years to come.

2 So I -- I want to put my public comment out
3 there to -- in support of this document that it be
4 accepted and that the work be moved ahead.

5 Thank you.

6 MS. JANSSEN: Thank you.

7 Anyone else wish to give a public comment?

8 Yes.

9 MR. BACH: I am also part of the group. My
10 name is David Bach, B-a-c-h. I'm the work force
11 development specialist at San Francisco Gay & Lesbian
12 Community Center.

13 I've been a RAB member since the beginning
14 of this year, so I'm brand -- brand new, and the reason
15 that I joined the board is because I'm a frequent user of
16 the Presidio.

17 I mountain bike through the Presidio,
18 through Sausalito, et cetera, and over the years, I've
19 seen some significant changes occur in the Presidio and
20 wanted to know why.

21 So I got involved and I was accepted on the
22 committee, and during my time on the committee, I meet
23 twice a week -- twice a month, excuse me -- with the group
24 and the board and we evaluated the process and the
25 remediation and the RAP3, which we're in discussion now.

1 I have found the group to be very receptive
2 to both my comments, my criticisms and my input, and I
3 really want to publicly announce that I am both in favor
4 of moving forward with this plan. The plan has been
5 scrutinized, it's been evaluated.

6 I'm environmentally conscientious, so I
7 think that they've taken every measure they possibly can
8 to maintain environmental and appropriate standards, and
9 for the record, I just want that two cents added to the
10 record.

11 Thank you.

12 MS. JANSSEN: Thank you.

13 Anyone else?

14 MS. CHEEVER: I'm a resident of San
15 Francisco who lives near the southwestern corner of the
16 Presidio, very close to the Nike Swale. I'm a resident of
17 San Francisco. I live in the southwest corner corner of
18 the Presidio and I'm also a member of the Restoration
19 Advisory Board, and although it's not the biggest part of
20 the project -- I support the entire project, but I'm
21 particularly interested in the cleanup of the Nike missile
22 site and the Nike Swale.

23 As a member of the Restoration Advisory
24 Board, I've been following what's happening there for more
25 than a decade, and, in fact, the first round of the

1 cleanup of the Nike missile magazines came because some
2 members of our group reported to the Army that there
3 appeared to be hydraulic fluids floating in the bottom of
4 one of the Nike missile magazines where the missiles were
5 stored, which possibly could seep into the Nike Swale.

6 So I'm very pleased that part was cleaned
7 up, but I'm also very pleased that the cleanup is going to
8 be completed with this project, both of the missile
9 facilities and also at the Nike Swale, which is a very
10 precious natural area, of the Willow Grove and even
11 further east, the oak woodland, which is one of the
12 original vegetation areas of the Presidio.

13 So I heartily support the project. I'm very
14 glad it's going to be done, and also landfill 9, which is
15 near where I live.

16 MS. JANSSEN: Thank you.

17 Any other comments?

18 MS. WITHERELL: I have a question.

19 MS. JANSSEN: Yes.

20 MS. WITHERELL: Is this work going to be
21 done in-house or is it contracted out?

22 MS. JANSSEN: Contracted out.

23 MR. COOPER: Yeah.

24 MS. JANSSEN: Do you want to take about the
25 contractor qualifications?

1 MR. COOPER: Mm-hmm. Actually, for this
2 work, we're going to have two separate contracts for it.
3 Because -- for the Baker Beach landfill project that Brian
4 talked about, because those are so unique being on steep
5 slopes the way they are, that has -- takes very specialty
6 contract work, and we're in the process of actually
7 identifying a particular contractor for that project.

8 For the other sites that are scattered
9 throughout the Presidio that requires cleanup, those --
10 that will go out for a formal bid process, and so there
11 will be a request for proposals and contractors will bid
12 and we'll select the best contractor to do that work.

13 So two different construction contractors
14 will do the site.

15 MS. WITHERELL: Will there be a request for
16 proposal for the Baker Beach, also?

17 MR. COOPER: Well, for the Baker Beach
18 contractor, I can bring up someone from my staff, George
19 Ford to talk about it.

20 We -- because of the technology needed to
21 clean those up, it's such a unique technology, we couldn't
22 find more than one company that actually had that -- those
23 spider excavators do to the cleanup, so that one is -- we
24 are heading toward doing what's called a sole source
25 contract, and -- which means it's non-competitive, but

1 there's ways that we can design that contract to make sure
2 that there's cost controls in place and to make sure we're
3 getting a good price.

4 We can look at comparable prices that this
5 company has done at similar projects to see what -- what
6 they charged there and make sure that the unit rates that
7 they're charging us is -- is appropriate for the
8 complexity of this particular site.

9 George, anything you want to add to that?

10 MR. FORD: No. I think you said it very
11 well.

12 We've actually been looking for a steep
13 slope specialty contractor for about the last two years,
14 and I was doing that search and I can tell you that time
15 and time again, we kept coming back to the same firm,
16 which is the contractor based out of Carpinteria called
17 AIS Construction.

18 They are not the only people in the United
19 States who do steep slope work, but they are the only ones
20 who do it at the scale that we need.

21 There are some people who have one machine
22 and one truck and they do small jobs or they work on
23 logging projects, but when it comes to a project of the
24 scale of the one we have, which is going to involve moving
25 forty to 45,000 tons of soil off of the slope, there's

1 really only one company that -- that has the experience
2 and the bonding capacity and the insurance and the amount
3 of equipment that is needed to do a job of that size. So
4 that's who we expect to sign a contract with.

5 MR. COOPER: Okay. A sole source. That
6 means it's not competitively bid on.

7 MS. JANSSEN: Okay. Any other comments or
8 questions? Yes.

9 MR. BERMAN: My name is Sam Berman,
10 B-e-r-m-a-n, and I'm also a member of the Restoration
11 Advisory Board and I would like to assure other members of
12 the public that are here tonight that thousands of hours
13 of community service is represented by the -- by the RAB.

14 We're devoted to understanding the process,
15 to provide as much public input as possible by -- by
16 relatively non-technical people, but by people who are
17 concerned about the Presidio and about the process of
18 cleaning it up.

19 So there's been a very long-time commitment
20 by people over many, many years to make sure the public is
21 really knowledgeable about what's going on, and we have
22 devoted our volunteer time to assure that this process is
23 really going to reach a successful conclusion, and that is
24 why many of the RAB people are so pleased with what has
25 come out in this RAP3 document.

1 Thank you.

2 MS. JANSSEN: Thanks.

3 Any other questions or comments? Yes.

4 MR. CAMPBELL: My name is Bruce Campbell
5 and I'm a frequent user of Baker Beach.

6 I applaud the getting rid of toxic waste. I
7 think it's a very ambitious project and I really
8 appreciate all the time that the community and everybody's
9 put into doing this, but my concern, of course, is what's
10 left. What's going to be left.

11 I'm worried about how many trees they're
12 going to take out in the process of doing this.

13 I want to be prepared. I know they're going
14 to have to take some out. I just wonder whether we're
15 going to take out hundreds, dozens or are you going to
16 take out none? I have no idea.

17 I watched with increasing horror at what's
18 been done north of the parking lot at Baker Beach where
19 they pretty much annihilated all the forest between there
20 and the Golden Gate Bridge. They have literally destroyed
21 hundreds of trees.

22 I talked to a project coordinator named
23 Erin -- I can't remember the last name -- about it and
24 she -- her attitude was that cypress trees are not native
25 and therefore they're kind of irrelevant, you know, and so

1 they were going to take some out and they took out some of
2 my favorites.

3 Some people -- and I consider these trees --
4 I've been going here for thirty years and I consider some
5 of these trees to be like my grandparents. They were
6 planted in my grandparents' generation or maybe before.
7 Who knows? There's some gigantic ones there. Very
8 possibly they're a couple hundred years old, who knows?
9 And I'm very suspicious of the experts when it comes to
10 the plant life there.

11 I just don't trust them, and I'm worried
12 about what they might do with the beach, what we're going
13 to have left there.

14 Baker Beach is the last pristine undeveloped
15 beach in San Francisco County, and I -- I'm really
16 concerned that they kind of preserve that atmosphere
17 somehow.

18 So I'm -- I'm worried, you know. I love it
19 that they're getting rid of the toxic soil, but what's
20 going to be left?

21 MS. JANSSEN: All right.

22 MR. CAMPBELL: Thank you.

23 MS. JANSSEN: Other comments or questions?

24 Okay. Just so you know what the process
25 normally is, we will prepare a document called a Response

1 to Comments, and that document will be available for you
2 all to review, and if you were one of the commenters and
3 we have your address on our mailing list, you will receive
4 a copy of that personally in the mail, and unless there's
5 any additional need to say anything else. Craig?

6 MR. COOPER: No.

7 MS. JANSSEN: Well, we'll be around in the
8 room for a couple of minutes if you want to speak with any
9 of the regulators directly.

10 Did you have a question?

11 MR. DENNIS: I'm just wondering when was
12 the next meeting.

13 MR. COOPER: Okay. So he asked when's the
14 next meeting. For this particular project, this Remedial
15 Action Plan, this was the only planned public meeting for
16 this.

17 So there are routine meetings about the
18 Presidio cleanup program in general. It's the second
19 Tuesday of every month at seven o'clock and we meet at the
20 Officer's Club, and it's a public meeting. People are
21 definitely welcome to come to that, but as far as talking
22 about these cleanup plans, this is the only public meeting
23 we have planned.

24 MS. JANSSEN: If you want to make sure that
25 you receive a copy of the Response to Comments document,

1 please make sure your name and address and phone number
2 are at the sign-in sheet.

3 Thank you all for coming tonight.

4 MR. COOPER: Thank you, everybody.

5 (The meeting concluded at 7:06 PM).

6 ---o0o---

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3
4 I, the undersigned, hereby certify that the
5 discussion in the foregoing meeting was taken at the time
6 and place therein stated; that the foregoing is a full,
7 true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the foregoing
10 meeting and caption named, or in any way interested in the
11 outcome of the cause named in said action.

12
13 IN WITNESS WHEREOF, I have
14 hereunto set my hand this

15 _____ day of _____,
16 2007.

17 _____
18 Mark I. Brickman CSR No. 5527
19
20
21
22
23
24
25

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3 I, the undersigned, hereby certify that the
4 witness in the foregoing deposition was by me duly sworn to
5 testify the truth, the whole truth and nothing but the
6 truth in the within-entitled cause; that said deposition
7 was taken at the time and place therein stated; that the
8 foregoing is at the time and place therein stated; that the
9 foregoing is a full, true and complete record of said
10 testimony; and that the witness was given an opportunity to
11 read and correct said deposition and to subscribe the same.
12 Should the signature of the witness not be affixed to the
13 deposition, the witness shall not have availed
14 himself/herself of the opportunity to sign or the signature
15 has been waived.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties in the foregoing
18 deposition and caption names, or in any way interested in
19 the outcome of the cause names in said action.

20 IN WITNESS WHEREOF I have
21 hereunto set my hand this
22 22nd day of May,
23 2007.

24
25 MARK I. BRICKMAN CSR 5527

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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, JUNE 12, 2007

OFFICER'S CLUB, BUILDING 50

PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR

License No. 5527

ATTENDEES

RAB Members:

Doug Kern, Facilitator

Mark Youngkin

George Ford

Craig Cooper

Brian Ullensvang

Bob Boggs

Devender Narala

Sara Segal

Julie Cheever

Gloria Gee

Sam Berman

Julian Hultgren

John Budroe

Michelle Passero

Edward Callanan

Toni Kramer

Jay Willner

John Chester

Bob Bach

Barbara Newton

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BE IT REMEMBERED that, pursuant to Notice of the Meeting,
and

on June 12, 2007, at the Officer's Club, Building 50, Presidio of San
Francisco,

California, before me, MARK I. BRICKMAN, CSR No. 5527, State of
California, there

commenced a RAB meeting under the provisions of the Presidio Trust.

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AGENDA

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1 FACILITATOR KERN: Welcome, everyone to the
2 Presidio Restoration Advisory Board meeting for June 2007.

3 I'd like to welcome the Presidio Trust and
4 their contractors, the National Park Service, our
5 regulators from DTSC and the Water Board, RAB community
6 members, welcome to you tonight, and any members from the
7 public that are here tonight, welcome to our meeting.

8 Does everyone have an agenda? Are there
9 Any changes or additions?

10 Very well, then. Why don't we move on to
11 announcements and old business.

12 First thing we have item 3A is update on
13 RAP3 public comments. We have public comments.

14 MR. COOPER: Yes. As you know, the public
15 comment period for RAP3 closed on June 7th. We
16 received -- I'm going to ballpark it. Maybe around eight
17 written comments, and if you were at the public meeting
18 that was held on May 15th, we got a scattering of -- I
19 don't know -- five or six comments.

20 The Trust is in the process of writing
21 what's called a responsiveness summary responding to each
22 of these. None of the comments -- many of the comments
23 were actually supportive and positive, including the
24 comment letter from the RAB. Thanks very much for your
25 support on RAP number 3 on that.

1 And so we are putting the final touches on
2 the responsiveness summary, and Brian from the Park
3 Service will look at that, so then we'll send it over to
4 Bob, and that means we will be -- we are making all the
5 necessary preparations to sign the final, final version of
6 RAP number 3 on June 19th.

7 So hopefully we can get -- there's some
8 paperwork that needs to be passing back and forth, but
9 that's our goal is to sign it on June 19th, so I think
10 it's a real cause for celebration for us.

11 MS. NEWTON: Could that jinx it if we
12 celebrated before it was done?

13 MR. COOPER: The celebration is actually --
14 we'll talk about that. We're having a little mini
15 celebration at the Summit meeting, which is also scheduled
16 for June 19th.

17 Maybe at our July RAB meeting, we can have
18 an official toast or some Snapples or something like that.

19 FACILITATOR KERN: Snapple Extra.

20 MR. COOPER: Right.

21 FACILITATOR KERN: Any questions for Craig?

22 MS. NEWTON: So you got about ten comments?

23 MR. COOPER: Yeah. That sounds about
24 right. Nothing negative. No comment saying don't do it,
25 this is the wrong thing. Half of them were positive.

1 A couple commenters were folks looking for
2 work, and mostly construction companies, and then a few
3 were actual, you know, regular members of the public, you
4 know, asking -- commenting, but the comments mostly
5 focused on where's the site going, a future use of the
6 site, what's it going to look like, will the public have
7 access to it, comments like that. Not oh, I disagree with
8 clean closure at site X, you know, something like that.

9 MS. NEWTON: So there's no reason to
10 believe that any of these comments would hold --

11 MR. COOPER: Exactly.

12 MS. NEWTON: -- it up?

13 MR. COOPER: Exactly. That's the bottom
14 line.

15 MR. BACH: Congratulations.

16 FACILITATOR KERN: It's another opportunity
17 to remark to everybody that the work that everyone here
18 did in commenting on the documents that went out to all
19 the various public meetings, making those look good, be
20 legible and -- and readable and had all the information
21 that people thought was necessary, that was a great
22 contribution, and then going out to the people that you
23 represent in telling about this document.

24 So I think the RAB made a great contribution
25 to seeing this proceed ahead and go smoothly through the

1 comment period.

2 Very good. Committee business and reports.
3 Reviewing what happened at our last meeting.

4 I'm going to try to dig it out of my memory
5 what happened at the last meeting. Mark wasn't there.

6 MR. COOPER: Nor was I.

7 MR. BACH: Nor was I.

8 MS. NEWTON: Nor was I.

9 FACILITATOR KERN: Well, I can practically
10 say anything.

11 MR. BUDROE: I was there, Doug. Sorry.

12 FACILITATOR KERN: Well, I know -- I know
13 there was discussion on Mountain Lake which we're going to
14 have an update about, and part of that was where is -- you
15 know, there seems to be ongoing discussions about Mountain
16 Lake, so we'll report about that in a little bit.

17 There was discussion about the -- there was
18 quite a bit of discussion about informing our legislators
19 about the funding gap and in particular with that as the
20 general context, then looking at the -- the imminent
21 situation with Baker Beach disturbed area 2A and that's in
22 dispute resolution and that we would inform our
23 legislators about that.

24 So if they have the opportunity to influence
25 the process, that they might prevail in our favor.

1 So that we can talk about down here in 5A,
2 but I do have a -- a briefing page to hand out for people
3 to review. It's a start.

4 So those are the principal things which are
5 actually covered in 5A, B, C.

6 The Summit meeting that's coming up next
7 week, the Mountain Lake and this dispute resolution and
8 the greater issue of the funding gap. That's what we
9 talked about.

10 Anything else that anybody can -- Sam.

11 MR. BERMAN: Well, we also discussed trying
12 to do whatever we could to have this dispute with the Army
13 resolved as a winner for the Trust.

14 FACILITATOR KERN: Correct.

15 MR. BERMAN: And I think we commented on
16 the fact that -- that even though the Trust feels they're
17 in a good position, it would be I think a blow in view of
18 future problems if we didn't actually -- the Trust didn't
19 actually prevail in this first encounter, and I think
20 that's the motivation for trying to get the legislative
21 people involved to exert some pressure even though it may
22 not be necessary.

23 But I think -- I just think a loss at this
24 particular occasion on -- on the dispute would be a -- I
25 think it would be terrible, and although some people don't

1 think it would be a precedent setter, it worries me that
2 it could be.

3 So I think an all-out effort to -- to win
4 this first dispute is really important and I hope we
5 discuss it some more.

6 FACILITATOR KERN: We'll talk about it
7 after our update in 5A. We'll talk about this proposed
8 document and maybe if there's an update to the date of a
9 meeting of all the parties.

10 All right. That was the committee report.
11 Now we'll be able to move on to item 5A, Baker Beach 1 and
12 2A, the mediation project, and I guess that's George.

13 MR. FORD: Yeah. I guess we'll just sort
14 of quickly go through the project, and we have a couple of
15 special guests here who are working on the project who --
16 Andy Scheaffer in particular, who is the contractor who's
17 going to do the work, will tell you a little bit about
18 what he does, and if you have questions about what he's
19 going to do on this project, you can ask him.

20 As Craig told you, RAP3 looks like it's
21 chugging right along, scheduled to be signed I guess the
22 19th, which is a week from today.

23 We are working on the remedial design and
24 the work plan. We've had -- sent some preliminary
25 submittals to DTSC over the last couple of months.

1 They've commented on them and we've met with them.

2 We actually had a meeting at DTSC's offices
3 this morning to go over their comments on the latest
4 iteration of the remedial designed and work plan, and I
5 would -- we're getting pretty close. We think we see the
6 light at the end of the tunnel.

7 We'll be making a few more revisions to the
8 package, and then we hope that DTSC will be able to
9 approve it.

10 Most like -- I would guess sometime -- it
11 will be approved sometime probably early next month, but
12 what we're shooting for is to mobilize to the site and
13 start doing work during the month of July.

14 We had hoped for an early July mobilization.
15 I think we're looking to mid to late July right now
16 because of contract issues and approvals and a few other
17 things.

18 The public outreach for this project is
19 actually already underway. In fact, we have Kim Cooper
20 here, who's sitting in the gallery in the back, who is --
21 has been doing some public outreach at the actual Baker
22 Beach sites on good weather days when there are a lot of
23 people out there.

24 Kim is kind of on her own right now,
25 although we have another woman named Monica Stafford, who

1 is working as public information coordinator. She's kind
2 of getting started with that work.

3 That's the way the public outreach will be
4 done during most of the project period, though. We're
5 doing it a little bit differently. We're going to hire
6 the Golden Gate National Parks Conservancy to actually
7 handle the public outreach portion of the project, and
8 Monica and Kim will both go to work for the conservancy
9 and then be assigned to this project.

10 We're doing that mainly because the
11 conservancy is really, really good at public outreach. I
12 mean, I think they're better at it -- they're way better
13 at it than I am and they have a lot of good, creative
14 ideas and they do it kind of effectively and efficiently.

15 So -- and we found that the Trust and the
16 conservancy, you know, can agree on terms. We actually
17 have an agreement that should be signed momentarily to
18 authorize them to do the work, but we -- we have high
19 hopes for this arrangement and we think that it may prove
20 to be an effective way to do public outreach for future
21 projects.

22 I mean, this will be kind of a test case,
23 and if it works well, we may want to do this on future
24 projects.

25 So -- anyhow, the public outreach is kind of

1 going along at kind of a moderate level right now, but it
2 will be picking up steam and there will be more people
3 doing it as we get closer to the construction start date.

4 When we're in construction, we're actually
5 going to have three to four people in the field all the
6 time at positions on the bluff tops and down on the
7 beaches so that they can meet people who are, you know,
8 visiting or traversing the area and explain to them what's
9 going on, point out the areas that are open and available
10 for recreation and the areas that they should stay away
11 from.

12 And so we're hoping that that will be a good
13 way to kind of keep people on board with what we're doing,
14 because it is going to have some impact on the beach uses.

15 MR. BERMAN: George.

16 MR. FORD: Yes.

17 MR. BERMAN: Didn't mean to interrupt you.

18 MR. FORD: No. Please do. In fact,
19 questions are great.

20 MR. BERMAN: What happens, say, after five
21 o'clock or six o'clock, still daylight and the
22 construction crew is probably not going to be working at
23 that time?

24 Will there be someone there that -- in the
25 outreach to deal with people who are wandering around

1 where they shouldn't be?

2 MR. FORD: Yeah. We're going -- at least
3 initially, there's some thought that the work will be
4 going daylight to dark, and so the construction crews may
5 be using all of the daylight hours.

6 We are trying to work out a plan to staff
7 this -- staff the area -- certainly not all night, but,
8 you know, evenings and weekends, especially when the
9 weather is good and the use is heavy.

10 You know, we haven't quite figured out all
11 the details of that, but we're trying to make sure we have
12 enough staff to cover it because, you know, we realize
13 even if we -- if we start out working six or seven days a
14 week on the project and then make enough progress that we
15 can cut back to five days, we're still going to have the
16 issue of -- you know, I think we'll need to have outreach
17 continuing on the weekends even though there is no work
18 being performed.

19 So we are going to try to cover that in the
20 off hours.

21 MR. BERMAN: Just another trivial question.
22 Is -- I know this is probably not a lot of money in terms
23 of the contract with the conservancy, but is this a Zurich
24 allowed expenditure?

25 MR. FORD: That's a good question. We

1 believe it should be. I don't think -- since we haven't
2 incurred the expenditure yet, we haven't submitted it to
3 Zurich, you know, to get a determination, but I know Craig
4 and I will be talking about that.

5 We believe it should be allowable because
6 it -- if the conservancy wasn't doing it, we might be
7 hiring like a public relations firm --

8 MR. COOPER: Exactly.

9 MR. FORD: -- and paying higher rates.

10 MR. COOPER: Right, yeah. Just to answer
11 your question, I mean, the term for allowability under our
12 insurance policy is reasonable and necessary, and we think
13 that, you know, it is reasonable and necessary to use
14 public outreach coordinators for this particular project
15 based on the circumstances around this one.

16 Obviously we don't use it for every single
17 project. It's not necessary, and oftentimes I will in
18 advance contact Zurich if I think something's borderline,
19 you know, to get kind of their initial read on something
20 whether it's going to be reasonable or necessary.

21 This one I think is so clearly reasonable
22 and necessary, I haven't contacted them in advance and
23 I -- we have to do this work.

24 I mean, it's directly associated with the
25 remediation of the site, so I'll let you know if we get

1 into a fight with Zurich over this.

2 MR. BERMAN: Thanks.

3 MR. COOPER: And the Zurich representative
4 is not here tonight. How convenient.

5 MR. FORD: We'll do some public outreach to
6 them.

7 MR. COOPER: As you know, Zurich usually
8 brings a representative to our RAB meeting and I don't see
9 one here tonight.

10 MR. BACH: Just to piggyback, public
11 outreach when this starts construction and public safety
12 are going to be intertwined.

13 MR. COOPER: Mm-hmm.

14 MR. BACH: Particularly on evenings and
15 weekends if the weather continues like this, for example,
16 on any given weekend or evening.

17 MR. COOPER: Right.

18 MR. FORD: We're -- we're paying attention
19 to that. I mean, we realize that it's -- it's going to
20 take some effort to keep people out of the critical work
21 areas, and so we're -- we have a plan to do it.

22 We may have to modify the plan as we go
23 along kind of depending on what kind of success we have,
24 sort of what problems we identify.

25 But we're optimistic that -- I mean, again,

1 they're really good at it, and so I think it's going to
2 work pretty well.

3 All right. Then the one other thing is the
4 actual digging and hauling and disposing, and we have Andy
5 Scheaffer here, who is the owner and president of AIS
6 Construction in Carpinteria, and he's going to talk a
7 little bit about what he does generally and some of the
8 things that will be done on this project, and I guess I'd
9 say by way of introduction that, you know, I would work on
10 the planning of this project for -- it's been about four
11 years now, and for probably the first three years, I
12 really had doubts about whether it could be done in a
13 reasonable amount of time with a reasonable effort because
14 these landfills are hanging off of extremely steep slopes,
15 and the ocean and a bunch of rocks are right at the
16 bottom.

17 I mean, it is an extraordinarily difficult
18 place to have to work, and, you know -- so I really -- I
19 always had these doubts about whether this was doable
20 until Andy's firm sent some of their equipment and they
21 came out to dig test pits for one of the stages of
22 investigation that we did in 2005, and I got to tell you
23 watching his people and his equipment, I went through in a
24 about two hours a transition from gee, I don't know if
25 this thing is possible to okay. No problem. We got it.

1 You know, these guys will take care of it.

2 What they do is really kind of
3 extraordinary. When you're sitting in a room like this
4 and the floor is flat and there's no ocean breaking below
5 you, it's sort of hard to -- to get a feel for the
6 difficulty of the conditions under which they work, but
7 they make it look pretty easy.

8 So anyhow, listen to what Andy has to say,
9 and if you have questions, please break in and ask them.

10 MR. SCHEAFFER: You said everything. Hi,
11 I'm Andy Scheaffer. Pardon me if I don't stand. I wanted
12 to scroll through these -- these slides, but this is a
13 pic -- we should be out here in about a month doing --
14 mobilizing the start -- the cleanup efforts at Baker Beach
15 1 and 2A, and I thought I'd start -- I didn't put together
16 a full Power Point presentation, but I thought typically
17 pictures work a lot better in describing what we do than
18 words because it's hard for people to envision the kind of
19 work we do most of the time.

20 But this is a picture of one of the test
21 pits we were working on on Baker Beach 2A, and it's a
22 pretty good photo.

23 Maybe you've seen it out there on the
24 posters that the conservancy's put up, but essentially I'm
25 going to scroll through some of these first pictures to

1 give you an idea of the work that we did about two years
2 ago, you know, leading up -- the investigative work that
3 the Trust and their consultant MacTec did to kind of
4 define the limits of the work out there.

5 Whoops. This is -- let me start it like
6 this. This was -- on Baker Beach 1, there's a sheath down
7 toward the bottom, and we installed a couple peisometers,
8 and you can see how wet the soil is there, and when we go
9 back to do the actual removal, we'll have to go put in
10 some remodeling wells that will be similar to this type of
11 work here so we can redact the water which will help us
12 bring the dirt up the slope.

13 You can see that, you know, the severity of
14 the slope, the steepness of the slope there and how wet
15 the material is down where the guys are standing around
16 the machine.

17 Then there is a picture of -- I believe
18 that's between 2A and 1.

19 MR. FORD: Yeah.

20 MR. SCHEAFFER: But that's the slope --
21 that's essentially what our finished product -- the
22 desired finished product will be, that natural rocky
23 serpentinite when we're finished and it gets revegetated.

24 And there's a picture of digging test pits.
25 Another picture from down on the beach looking up, and

1 there's a picture of us standing on the beach.

2 And you can see here really how steep the
3 slope is, and these machines that we use are -- they're
4 walking excavate -- they're a class of machine walking
5 excavator and they've been using them in Europe, primarily
6 in the Alps, Austria, Switzerland for about thirty years,
7 and -- because they've been working on those steeper, hard
8 to get to areas a lot longer than we have, and we -- we're
9 trying to, you know, promote their use in the US.

10 Okay. The -- this is a project that we did
11 down near Boulder Creek, and then just showing you this
12 picture of the -- basically finished project about eight
13 months after we were finished to get you an idea of what
14 it should look like, and this is the -- a picture of what
15 it looks like when we were called in to do the cleanup,
16 and it's not exactly the same as -- as Baker Beach, but it
17 was a -- it was a big, nasty slope, and they really had no
18 idea how they were going to get this -- clean it up and
19 get the slide debris off the hillside, and they --
20 actually the contractor and the state had worked on it for
21 two or three weeks struggling and they called us out to
22 help them, and we walked one of our spiders up the hill
23 and began clearing the trees and debris off the hillside.

24 And -- and what's nice about the machines
25 that we're using is we have a two axis bucket, which is

1 essentially like a wrist, so rather than just going in and
2 doing mass excavation with little control, we're able to
3 actually conform the bucket to the slope and match the
4 undulations in the slip plane or the natural terrain so
5 we're not just hogging out a lot of dirt, and that
6 technique will be really useful here because the desired
7 effect when we're finished is that we end up with a
8 natural looking slope that can be revegetated, and we've
9 had very good success doing that.

10 MR. FORD: We want to save as much of the
11 native serpentine soil that's beneath the fill that we can
12 because that's what the serpentine plants prefer.

13 MR. SCHEAFFER: And here's a picture
14 essentially from the same perspective as that first
15 picture that I showed you, and this is where the projects
16 differ a little bit, but I'll continue.

17 We then went in and we put in some anchors
18 to stabilize the hillside. I'll skim through those. This
19 is walking back up. This is basically looking from the
20 top down on to the highway below, and that's the drilling
21 rig out on the end of the boom there.

22 You can see really how steep the slope was.

23 MS. NEWTON: What were you removing?

24 MR. SCHEAFFER: It was a landslide.

25 MS. NEWTON: You were just cleaning it up?

1 MR. SCHEAFFER: We cleaned it up, and it
2 had been -- historically it had been -- it's just north of
3 Boulder -- just above Boulder Creek on Highway 9.

4 Historically it had been a problem with the
5 road department because every winter it would, you know,
6 spew out some mud and close the highway, and this
7 particular year was -- I think it was '99 or 2000.

8 They'd had, you know, three foot diameter
9 redwood trees. Everything came out of this hillside, and
10 since we've done this work and covered it with GeoTextile
11 and removed the loose debris, they haven't had any -- any
12 problems, and we've had some pretty heavy years since
13 then.

14 But primarily it was a landslide that had
15 closed the highway.

16 MR. BACH: Andy, what's the number of
17 crawlers that are going to be used on the hillside at any
18 given time?

19 MR. SCHEAFFER: At least three. We'll have
20 at least three of them out here.

21 MR. BACH: Here at Baker Beach?

22 MR. SCHEAFFER: Here at Baker Beach, yeah.

23 And here's a picture after we've installed
24 the GeoTextile and -- from the bottom, and then we hydro-
25 seeded, which is a little different in here.

1 MR. COOPER: This won't happen at Baker
2 Beach, by the way.

3 MR. SCHEAFFER: That -- I don't mean to
4 confuse it, but anyhow, this is what the finished product
5 looked like.

6 MS. NEWTON: So you guys took the stuff
7 down?

8 MR. SCHEAFFER: We removed --

9 MS. NEWTON: You took it down to the
10 highway and you trucked it out.

11 MR. SCHEAFFER: We trucked it away, which
12 is different than here. We're taking it up.

13 MS. NEWTON: You're taking it up.

14 MR. SCHEAFFER: Yeah, but we've done a
15 couple of jobs like that, but I don't have any pictures.
16 I'm kind of throwing this together at the last minute, but
17 I wanted to give some ideas of, you know, the kind of work
18 we do and a lot of times there's questions that, you know,
19 the public has as far as the capabilities of the machine,
20 how it works, how it moves around, steepens the slope we
21 work on and what the finished product looks like.

22 Obviously this is a much -- this is a
23 different, you know, area, but I've got --

24 FACILITATOR KERN: That's really steep.

25 MR. SCHEAFFER: That's so steep, it's

1 upside down.

2 This is -- we were installing a ski lift in
3 New Mexico, and you can see how rocky the terrain is, and
4 the idea is it was a very sensitive habitat and we -- they
5 didn't want us to disturb the terrain any more than
6 normal.

7 I have some videos. I might be boring
8 everyone, but does anybody have any questions?

9 MR. BERMAN: What's the maximum slope that
10 the crawler can handle?

11 MR. SCHEAFFER: It all depends on the -- on
12 the type of soil and the conditions, but -- but typically
13 45 degrees is about the maximum we -- we will normally go
14 on, but we've had it on slopes as steep as -- as sixty
15 degrees, but in those instances, we'll typically anchor it
16 off with a -- with a winch and suspend it, because gravity
17 tends to really be your enemy at that point.

18 MR. BERMAN: Right. So without an external
19 cable support, 45 degrees is essentially --

20 MR. SCHEAFFER: Slightly -- if you're in
21 the right conditions, you -- going down's easier than
22 coming back up.

23 So we've gone down steeper than 45 degrees,
24 but to come back up, anything steeper than that's
25 difficult. It's just a little harder.

1 MR. BERMAN: Who makes these machines?

2 MR. SCHEAFFER: A company -- this
3 particular -- the machines that we use are made by a
4 company in Liechtenstein called Kaiser. They're a family
5 run company devolved from making farm tractors to these
6 walking machines, and they actually make the vacuum trucks
7 for cleaning sewers, as well.

8 MS. SEGAL: Do wind conditions have any
9 effect? Because sometimes we've had some really windy
10 days down by the beach.

11 MR. SCHEAFFER: That's a good question.

12 The -- the -- they won't affect the machines
13 so much. When we remove the material, when we haul the
14 material up the hill, we're going to utilize conveyors,
15 and what we've found is that from midway -- two-thirds of
16 the way up the slope, the wind really doesn't come into
17 effect, but then you get above that point and it
18 becomes -- it can become, you know, a condition --
19 something to deal with.

20 And so what we're proposing or what we will
21 do is at that point cover the conveyors all the way up to
22 the top of the slope so that we don't have wind blown dust
23 and debris from them.

24 MS. KRAMER: How steep are the slopes out at
25 Baker Beach?

1 MR. SCHEAFFER: Generally, I think Baker
2 Beach 1 is about 38 degrees. There's portions that are
3 steeper, but I believe that the general slope's about 38,
4 I think, George.

5 MR. FORD: That sounds about right.

6 MR. SCHEAFFER: And Baker Beach 2A is about
7 42 degrees, I believe.

8 MR. FORD: There are portions of both sites
9 near the top where it's actually vertical, but the good
10 news about the vertical part is that the waste didn't
11 really cling there. It just goes right off and lands on
12 the shallower part of the slope.

13 MR. SCHEAFFER: The -- I wanted to --

14 MR. CHESTER: Have you ever tipped one
15 over?

16 MR. SCHEAFFER: Everybody asks that
17 question.

18 MR. CHESTER: Worst case scenario type of
19 thing.

20 MR. SCHEAFFER: We try not to tip one over.

21 MS. SEGAL: Are the operators trained by
22 you?

23 MR. SCHEAFFER: They are. We -- they are
24 -- let me go over my video a little bit for that.

25 The operators are trained. Yes, they're --

1 we typically will put a -- an operator will come out and
2 work with an experienced -- a trainee will go out and work
3 with an experienced operator from anywhere from one to six
4 months, and then as they get more and more comfortable
5 with the machine, they are able to take on more difficult
6 jobs, because the range of projects that we see with these
7 kind of machines is quite broad.

8 You know, some projects are just difficult
9 to access, but not necessarily very treacherous, whereas
10 other jobs like the ski lift, for instance, and other
11 highway projects we do are quite steep and, you know, we
12 need a much more experienced person.

13 MR. BACH: This might be a two-part
14 question depending on your first answer. The contaminants
15 that you're removing on the slope, are you going to be
16 doing it bottom up or the top down?

17 MR. SCHEAFFER: We'll be starting at the
18 top and working our way down.

19 MR. BACH: So then the second part.
20 Conveyor in my mind's eye, conveyor belt, you know, is a
21 belt and it probably is -- has cups or something to
22 capture and keep the soil or the dirt that you'll be
23 removing.

24 What measures are you going to be taking to
25 keep it contained so that it doesn't overflow since you're

1 going from the top down and, you know, fall out of the
2 conveyor belt and, you know, recontaminate the area that
3 you've cleaned, et cetera?

4 MR. SCHEAFFER: The -- that's a good
5 question.

6 The -- there's two things that we're going
7 to do. The conveyors that we're using are trough style
8 conveyors, so essentially they'll have side walls and a --
9 and a cleat on the belt. The conveyor frame itself has a
10 side wall and there's a cleat on the belt, so the
11 materials -- there's a chance that it can spill out, but
12 the idea is that it's contained in this belt, and then
13 additionally to that, we intend to leave a portion of --
14 of the fill underneath the conveyors and then move it as
15 we're finishing the project.

16 That's -- that's part of our plan.

17 MR. FORD: You have to dig from the top
18 down because of slope stability issues. I mean, a steep
19 slope like that, if we started digging from the bottom up,
20 we'd probably create a slide.

21 MR. SCHEAFFER: We'd oversteepen the slope.

22 MR. FORD: It would tend to come down.
23 It's a little counter-intuitive, but you have to do it
24 from the top down to keep the soils stable.

25 MR. COOPER: Hey, George, have we thought

1 any further from a viewing platform for people from the
2 public to have some angle to look at this, view it from
3 the Golden Gate Bridge or sidewalk.

4 MR. FORD: I want to leverage this into the
5 top of one of the towers.

6 MR. BACH: Build a little vista.

7 MR. FORD: The discussion of that hasn't
8 really gone any further, but we haven't dropped it,
9 either.

10 I think we're looking at something like
11 Battery Butell, or something safe like that that would
12 provide a good overview for Baker Beach 1.

13 I think Baker Beach 2A is probably going to
14 be a little harder. There isn't such a great vantage
15 point for that one.

16 MR. SCHEAFFER: Yeah, but that vantage
17 point just north of the parking lot at Baker -- off of
18 landing court, we could potentially have an interpretive
19 tour if anyone was interested.

20 MS. COOPER: There's interest.

21 I was looking at it two different ways:
22 First of all, I don't think we want to spend a lot of
23 money to do a viewing platform, but if there's going to be
24 people really fascinated and wanting to look at this, and
25 if we don't accommodate this, Kim's work is going to be a

1 lot harder.

2 Some people are going to walk away and some
3 people are going to try to sneak around.

4 MS. COOPER: It could be part of our job.
5 The issue for me when we talk about different vantage
6 points, parts of what I appreciate about the closure zone
7 right now, it's very clear, doesn't have a lot of hidden.

8 The more boundaries you have to patrol all
9 the time, the harder it is. The clearer it is, the people
10 are just better.

11 I was almost something end to end or China
12 Beach or someplace completely separate from the project in
13 terms of -- and/or okay. Every Saturday at X time.

14 MR. COOPER: Yeah.

15 MS. COOPER: Something really, really clear
16 because there's a constant push or what can we really do?
17 "You're not really closing the beach, are you? Really,
18 really, really?"

19 The clearer and more price per it is, the
20 more helpful.

21 MR. COOPER: That's true.

22 MS. COOPER: I could do a little walking
23 around from vantage points and see if there's someplace,
24 outside of a boat, that we could actually see things
25 that's not within the actual danger zone.

1 MR. COOPER: That's true. Once you start
2 letting people in, you have to keep an eye on them.

3 MR. BACH: They may be looking for a way
4 down rather than --

5 MR. COOPER: Yeah.

6 MS. COOPER: It will be the staging
7 material for the new trail that's going on.

8 MR. COOPER: Right. Public safety's going
9 to come first.

10 MS. COOPER: We have to tell them they
11 can't go there. We have to be really clear.

12 MS. SEGAL: Sort of like a hole in the
13 fence of a construction site.

14 George, I think there's room for two people
15 in the cab.

16 MR. BACH: Is that a request?

17 MR. SCHEAFFER: Not the two of us.

18 MR. FORD: The machine has a load limit.

19 MR. COOPER: Somebody did think of this
20 idea -- I don't know -- like putting a live cam, you know.

21 MS. COOPER: That's actually a great idea.

22 MR. SCHEAFFER: A Web cam and --

23 MR. COOPER: Web cam, yeah.

24 MR. FORD: Because if anything went
25 wrong --

1 MR. SCHEAFFER: We actually had one of
2 those -- we worked on the Ferguson slide on Highway 140
3 going to Yosemite last year, that big clod that came down
4 and closed the highway, and we were on that at the very
5 beginning until it became apparent that the slide was a
6 lot more than we could deal with, and we had -- actually
7 had a Web cam -- Caltrans set up a Web cam on that, and it
8 was amazing the -- because you were charging -- basically
9 a mountain come down.

10 MR. COOPER: Right.

11 MS. COOPER: I would really support the Web
12 cam idea.

13 MR. COOPER: And advertise the link.

14 MS. COOPER: If you want to watch, go
15 online. Conceivably I could have my laptop. It would
16 ameliorate some of that pressure.

17 MR. YOUNGKIN: You could just take a daily
18 video or something and post it.

19 MR. COOPER: And post that video on the
20 link.

21 MR. BERMAN: Right.

22 MR. YOUNGKIN: Progress, daily progress.

23 MR. COOPER: That would actually be very
24 easy.

25 MS. NEWTON: This is in lieu of having an

1 informational person.

2 MR. COOPER: No, no, no. There will always
3 be -- this will be in lieu of a viewing platform that's
4 closer in.

5 MS. NEWTON: I know we're going to have the
6 security type people, but this is in lieu of doing
7 something just for the heck of telling people what's going
8 on.

9 MR. BACH: Giving a tour.

10 MS. COOPER: I should actually clarify
11 that. We're not security. We're attempting to get people
12 on board and avoid making enemies of the Presidio project.

13 We really want to have people supporting
14 what we're doing, but we're also not going to be law
15 enforcement. We're not carrying guns.

16 MR. BERMAN: I just want to emphasize what
17 Craig said. The daily video is a fairly easy thing to do,
18 and you can post a sign for people that come there, and if
19 they can't -- if there's no access to actually watch it,
20 you have a sign that says there's a daily video on --

21 MR. COOPER: But it might be just five
22 minutes long. Just in five minutes, because for five
23 minutes, it's doing the same thing over and over.

24 MS. COOPER: It's actually exciting for
25 about five minutes.

1 MR. COOPER: And after five minutes, it
2 gets pretty boring.

3 MR. BERMAN: It's fairly easy to view all
4 of that from a boat. Yeah. It's definitely -- an
5 entrepreneur can do that.

6 MR. SCHEAFFER: The Red and White boats are
7 going to be circling our job.

8 MR. YOUNGKIN: There's also sort of the
9 thing that this may be a very unique situation, so some
10 kind of photo documentary or documentation.

11 MR. BOGGS: That's where if you had a Web
12 cam that refreshed every half and hour or so, you can also
13 paste them together. You show a time lapse thing of the
14 landfill removing.

15 You also get a shot everyday, so if you did
16 have some setup -- George wants his at the top of the
17 Golden Gate Bridge focusing down on the worksite and you
18 can wander through the progress daily.

19 MR. FORD: I think that -- you know, a
20 daily shot like that is -- that can make for a great sort
21 of project summary video.

22 I saw one that was made for the construction
23 of the Stanford stadium where they just took one shot
24 every day.

25 MR. COOPER: Same place.

1 MR. FORD: It takes about four minutes to
2 scroll through, and it's just incredible.

3 So this -- we'll have to --

4 MR. BOGGS: There's actually --

5 MR. FORD: -- look into those ideas.

6 MR. BOGGS: -- a camera in Yosemite. You
7 can set it up. You just see 24 hours happen in thirty
8 seconds. The sun comes up, goes across, the whole nine
9 yards, so --

10 MS. COOPER: Yeah. I bet there would be a
11 lot of people. I'd say every third person wants to be
12 able to watch.

13 I said this before. Fascination with the
14 equipment can kind of divert people's frustrations from
15 not being able to go in.

16 "Check out this really cool in. You can go
17 to the beach down there and everybody's happy. And you
18 can go on the Website and look. Isn't that cool?"

19 MR. BERMAN: If you want to get elaborate,
20 you can just do it all from the parking lot by hanging a
21 large mirror from a helicopter.

22 MR. COOPER: I don't know if those costs
23 would be considered reasonable or not.

24 MR. SCHEAFFER: Well, if no one has any
25 more questions, I think I will end it there.

1 MR. BERMAN: Thank you.

2 FACILITATOR KERN: Thanks very much, George
3 and Andy for coming tonight and telling us about this
4 project. Really looking forward to how it goes and the
5 completion of it.

6 MR. SCHEAFFER: It should be fun.

7 FACILITATOR KERN: All right. Well,
8 related to Baker Beach 2A is a project that was not
9 originally part of the money that was negotiated with the
10 Army. We all understand that this is a new area that at
11 least from the Presidio's perspective, it's -- we view it
12 as unknown contamination -- previously unknown
13 contamination, and we are going to try to have our
14 legislators influence the dispute resolution process if we
15 can.

16 So what I'd like to ask first before I pass
17 this out, is there a date yet set for this executive level
18 meeting?

19 MR. COOPER: The third tier. We're now
20 looking at July, probably mid to late July. There is not
21 a date certain set yet.

22 FACILITATOR KERN: All right. So we have a
23 little time, and so what I have here is -- should be
24 considered a rough draft of what I would consider a one-
25 pager, a briefing page to go to our Congressional

1 delegation, and so read it from the point of view of does
2 this make sense, what's missing, what else needs to go in
3 here, and so we'll discuss this a little bit.

4 MR. BERMAN: Craig, while this is being
5 passed around, can you refresh us as to the verbiage of
6 the memorandum of understanding as to -- as to whether
7 there's any language in there that says that the Army will
8 consider reimbursement for something that is not in the --
9 not disclosed in the sites that were appended to the MOU?

10 MR. COOPER: Basically the definition of
11 "unknown contamination" is kind of a convoluted
12 definition, but the first test is is the site identified
13 in Exhibit 2 -- I think that's what it's called -- which
14 is this very large binder of --

15 MR. BERMAN: Yeah.

16 MR. COOPER: -- hundreds of thousands of
17 sites, and if it's -- basically if it's not, then it's
18 unknown contamination that the Army is responsible for,
19 and -- that is -- that's the argument in a nutshell.

20 The Army is saying, "No. If you look in
21 there hard enough, you're going to find that site," and we
22 say, "Oh, no. It's not there."

23 MR. BERMAN: But there's one thing about
24 identifying undisclosed contamination, but is there an
25 implication that the Army is then responsible financially

1 for it?

2 MR. COOPER: Oh, yeah.

3 MR. BERMAN: Okay.

4 MR. COOPER: Financially -- yeah.

5 MS. NEWTON: That's the only responsibility
6 there is, right?

7 MR. COOPER: Right.

8 MR. BERMAN: I mean --

9 MR. COOPER: They can either pay or perform
10 the work.

11 MR. BERMAN: Right. So, I mean those words
12 are in there.

13 MR. COOPER: Yes. That's not being
14 disputed.

15 If they are found -- if it is determined
16 that it is unknown contamination, it's not disputed that
17 the Army therefore has to either paid or perform. It's
18 the first --

19 MR. BERMAN: Okay.

20 MR. COOPER: The first part is what's under
21 dispute.

22 FACILITATOR KERN: So to give everyone a
23 sense of the timing of this, since the meeting won't be
24 till mid to late July, we have a little bit of time to
25 work on this. We don't have to get all the comments in

1 tonight. There may be everything from style to formatting
2 to, you know, order of language, everything.

3 I have talked with George. George has a
4 contact in one of the departments of the Trust that is
5 finding out the right person for us. He's mentioned this
6 to that person and I -- I can let George say it. He's
7 here.

8 MR. FORD: I spoke with Dana Polk, who is
9 kind of our legislative contact person and she is going to
10 get us the Con -- the correct contact in Nancy Pelosi's
11 office, and she was also going to give her a heads up that
12 the RAB would be contacting them and that's a phone call
13 that they should take.

14 So I have to get the information to the name
15 and the phone number to Doug, but that's in the pipeline.

16 FACILITATOR KERN: When we get that, then
17 we'll make a phone call, send something like this along to
18 give a little information and then hopefully set up a
19 meeting to actually meet and have maps and discuss this
20 whole project and bring whatever information that we need
21 to inform their aides and let them know that if they have
22 the opportunity, that these folks won't actually be in any
23 of the meetings, but they might be able to talk to the
24 people who will be in the meetings and try to understand
25 the -- the nature of what's going on.

1 The way I tried to organize this will say
2 how much money we got at the beginning to remind them that
3 the -- that money plus interest is insufficient to
4 complete the entire program.

5 It's an approximate gap of about twenty
6 million, and there's some reasons for that funding gap,
7 there may be more, and then I list a number of reasons or
8 ways that we would anticipate of closing that funding gap,
9 and then I talk about the situation that's upon us with
10 this site in dispute resolution, and I may not have
11 that -- that number right, the three million dollar site.

12 I'm not sure if that's the right number of
13 it. I've got to recheck that, but it's in that
14 neighborhood.

15 So this represents a substantial amount of
16 money for us to get back to close that twenty million
17 funding gap, and I think it will be in our legislator's
18 interest to help us if they can get this resolved in our
19 favor.

20 So that's -- that's the logic, and at the
21 very end, I put in a one-line request, short and sweet the
22 Army needs to reimburse the Trust for this cost because it
23 was -- it's a large cost and it was unknown during the
24 original negotiations.

25 Sara.

1 MS. SEGAL: Obviously I haven't read the
2 whole thing, but under Means of Closing the Funding Gap,
3 the first bullet, I don't know that you want to say new
4 contamination.

5 Aren't we talking about previously
6 unidentified? It sounds like --

7 FACILITATOR KERN: Yeah.

8 MS. SEGAL: -- you know.

9 FACILITATOR KERN: That's previously
10 unknown.

11 MS. SEGAL: Unidentified or unknown or
12 unspecified or actually unknown. Anyhow, it's not new.

13 FACILITATOR KERN: Yes.

14 MR. HULTGREN: Are we mainly interested
15 here in getting some help in maybe putting pressure on the
16 Army to reimburse for this particular -- is it T2A, I
17 guess?

18 FACILITATOR KERN: Yes, that is.

19 MR. HULTGREN: I think we make a mistake in
20 talking about -- especially talking about means for
21 closing the funding gap, claims against the Army and blah-
22 blah-blah.

23 It makes the whole thing seem like we are --
24 the pressure on the Army -- that first we're talking about
25 we have a funding gap and therefore we have to go back

1 after the Army to close that funding gap, and that's
2 not -- that's not really what we're trying to do, is it?
3 We're trying to get the Army to live up to
4 its responsibilities.

5 MR. BACH: Are you saying that that's a
6 shortfall and not a funding gap?

7 FACILITATOR KERN: Well, I think your point
8 in this is there is a site that they should reimburse us
9 for.

10 MR. HULTGREN: Well, yeah, but I think we
11 make a mistake in talking about the fact that we even have
12 a funding gap and the fact that we are looking for certain
13 means to closing it. That's all irrelevant, and I think
14 it gives the Army an opportunity to say, look, if it
15 weren't for their misuse of the money and having a funding
16 gap, they wouldn't even looking at us, so why do we even
17 allow them to have that opportunity to dispute this?

18 FACILITATOR KERN: I -- I agree with your
19 comments. I think in part the reason that I did it like
20 this is through some of our previous discussions, as we
21 went through it, many members suggested well, we may need
22 to go back to talk about an appropriation or this and
23 that. So maybe we ought to set the context.

24 So that's in part why I did it this way, but
25 there are -- that's what tonight is about, to hear

1 people's comments.

2 MS. NEWTON: This is for us to look at,
3 right? This isn't something that you -- this is not a
4 presentation that would go to the Army or that would go to
5 the legislative people, right? This is just for our
6 discussion purposes?

7 FACILITATOR KERN: The intent of this is to
8 end up with a one-page briefing paper that we can give to
9 our legislative aides to inform the speaker. So that's
10 the intent, and so all of the -- these kinds of issues
11 that Julian is raising are important, so --

12 MS. NEWTON: I would definitely not -- if
13 that's what you're going to do with this, then I don't
14 think it's appropriate to bring up anything outside of our
15 issues with the Army.

16 FACILITATOR KERN: Okay.

17 MR. BUDROE: Well, I wouldn't say that,
18 because you're kind of setting the stage right now. Nancy
19 Pelosi's office knows nothing about probably what's going
20 on at the Presidio.

21 The short-term objective you've got is
22 trying to see if they can't put some heat on the Army to
23 go ahead and see the light as far as, you know, Baker
24 Beach 2A, but your longer term goal is you're setting the
25 stage for them to think about coming up with additional

1 money --

2 MR. BERMAN: Legislation.

3 MR. BUDROE: Yes. Money in addition to the
4 hundred million that they've already come up with.
5 Whether that's to the Army to give to the Presidio, either
6 way, but you're setting the idea in their minds now that
7 they may have to come up with additional cash in order to
8 finish the job.

9 So it's not --

10 MS. NEWTON: You don't think it would be
11 beneficial to just leave off all the other possibilities
12 and maybe say work a little harder?

13 MR. BUDROE: We may be giving them too much
14 information on that. You might need to make -- you may
15 need to sharpen the focus on them a little bit, but as far
16 as saying the only thing we want to do right now is making
17 sure that we come through okay with the Army in that
18 dispute resolution, you're kind of missing an opportunity
19 there.

20 This is a chance to kill a couple birds.

21 MR. HULTGREN: But that's the -- that's
22 what we started with was the whole concept of maybe the
23 Trust needs some help in dealing with the Army, and now
24 we've kind of expanded into other areas.

25 I think it minimizes the impact of our real

1 claim, and our real claim here or our real point here is
2 to support the Trust in trying to get the Army to perform
3 its responsibilities, period.

4 MS. NEWTON: I agree.

5 MR. HULTGREN: We should do them separately
6 and we should do them in another -- in another letter and
7 not try to do all the things to all people in this one.

8 MS. PASSERO: Well, I think -- I agree with
9 Julian. I think you need to do both and one is just --
10 you have a specific as related to 2A.

11 That's going to be floating around for
12 people to criticize, but at the same time in the meeting
13 with them, then you can start to build and lay the
14 foundation for this other issue.

15 So at the beginning of creating a
16 relationship and you can come back and so that they have
17 some piece of information or background that you can work
18 on for a subsequent letter later on, so --

19 FACILITATOR KERN: Mm-hmm.

20 MS. PASSERO: This is good for probably two
21 objectives and you have the letter more focus on 2A.

22 MR. BERMAN: Can I make a suggestion?

23 FACILITATOR KERN: Sam.

24 MR. BERMAN: I think to do it, I would call
25 the reverse context. What you did is give the big picture

1 first and then went into the special problem, but I think
2 another way of doing it and not encourage the dilution
3 effect that Julian and Barbara are talking about is to go
4 directly to the issue and then say -- and this is part of
5 a general concern as part of the -- the end of it -- of
6 the document where you say: "This is part of a general
7 concern because of the pending shortfall."

8 So it then puts the -- that in the context
9 of the general shortfall and does what John wants to do
10 and you want to do, is sort of let Pelosi's office know
11 that there's a bigger problem possibly ahead.

12 And so, you know, I think with some -- I
13 think you can accomplish what everybody wants by just
14 reversing the context here, so that start off with the
15 special problem and then to end it with saying that this
16 is -- this is one of the problems of a possibly larger
17 problem.

18 FACILITATOR KERN: Julie.

19 MS. CHEEVER: I really have to agree with
20 Julian, just to say again what he said. If you keep this
21 other part in, even if you put it last, which is better
22 than putting it first, it looks like we're flailing around
23 looking for funding sources.

24 The point is there's an agreement with the
25 Army.

1 I also tend to think that these legislative
2 people are very busy and they don't have time to absorb a
3 lot of information, so it's better to have it shorter and
4 just put the most important information about the imminent
5 situation there, and go back to them later or in another
6 context.

7 FACILITATOR KERN: Very well. Other
8 comments?

9 MS. NEWTON: I have a question. Of the
10 twenty million approximate gap, what percentage -- how is
11 it divided among those three reasons about, approximately,
12 unanticipated problems cause growth in planning and
13 then -- how would you split that up?

14 Maybe not exactly, but if I was a
15 legislative person, I might ask that, because what we're
16 really talking about is the unanticipated projects.

17 FACILITATOR KERN: Well, that is -- it's a
18 difficult question. Mostly because the -- there's a
19 little bit of a gray area in what's an unanticipated
20 project.

21 Some things that are more administrative,
22 people can argue with you well, that could have been
23 anticipated.

24 So there -- it's a little bit gray, but I
25 guess I would suggest that approximately on the order of

1 twelve to fifteen million would be unanticipated.

2 MS. NEWTON: And in that unanticipated, you
3 are including not just -- not just projects like 2A,
4 things that weren't covered, or you're talking about --

5 FACILITATOR KERN: Mountain Lake, for
6 example, our next discussion point was budgeted somewhere
7 in the order of 150,000 and now it's on the order of four
8 to five million or more.

9 So, I mean, there are very -- it was -- that
10 kind of is in the definition of is that an unanticipated
11 or is that cost growth? That's really like it was a whole
12 new site.

13 MR. BERMAN: Well, I think you can defend
14 that as unanticipated, because of the discovery of lead,
15 which was not known at the time of the MOU.

16 I think that is reasonably clear, but some
17 of them where the boundaries were ill-defined and the
18 excavations turned out to be much larger or what was
19 thought to be acceptable as a cap is no longer acceptable,
20 then I think that's another place where it cause -- so
21 it's not unanticipated in the sense of a new site or a new
22 contaminant, but it was, in fact, larger than -- than --

23 MS. NEWTON: The scope of the project was.

24 MR. BERMAN: And so the question -- to me,
25 that's the really gray area, is unanticipated or not. I

1 would argue that if a -- in the MOU, there should have
2 been a much larger area called contingency to consider
3 that, and unfortunately that was not part of the MOU.

4 And so, you know, I -- I think a lot of it
5 is really cost growth and not -- not unanticipated. I
6 mean, the projects were ill-defined, and when they got
7 defined, they cost more.

8 MR. COOPER: Just to answer that question
9 real fast, I've actually quantified each of those
10 categories exactly. I can show Doug my numbers, because I
11 just did this presentation to the Trust Board of Directors
12 and we dove in really deep on the numbers and putting --
13 quantifying the costs that are associated with each of
14 these three factors.

15 So I can come back to the next RAB meeting
16 or whatever and give you a summary of that.

17 I actually added up a little bit more
18 contingency or future cost growth, as well, so actually
19 reported a higher number than twenty million.

20 FACILITATOR KERN: Okay.

21 MR. COOPER: And I can meet with Doug on it
22 and then I can report to you on what I presented to the
23 Trust Board of Directors on what my take is on future cost
24 growth and the quantification of each of these cost growth
25 categories. These are the three main.

1 FACILITATOR KERN: Gloria.

2 MS. GEE: Well, it sounds like what you
3 need to do is like in your letter, you really present your
4 bullet that's what you really want and a justification for
5 the Army -- seeking Pelosi's help, and then what you do in
6 the -- because I've done briefing papers before like for
7 executive, you know, department -- in Washington, D.C.,
8 and what you do is you have an attachment that gives you
9 the context of all this other information about the
10 background like, you know -- that would be useful, but
11 then if Pelosi's staff like -- you know, it's better to
12 have that as a reference so that if they have a question,
13 they don't have to come back -- coming back to you and
14 ask, "What is the background?"

15 And then if they're very knowledgeable, then
16 they can dispense with that and just focus on your
17 cover -- the main letter page.

18 FACILITATOR KERN: That makes good sense.
19 Mark.

20 MR. YOUNGKIN: So Craig, the dispute
21 itself, is it something that can be easily explained and
22 grasped in a few minutes with this aid person or is it
23 something that's, you know, ambivalent language that
24 lawyers are arguing about or --

25 MR. COOPER: Of course I'm going to

1 present, you know -- if I could meet with Doug and
2 summarize the Trust point of view on why we made this
3 claim and I can probably -- I could do it now or at next
4 month's RAB meeting, or I can give Doug this information.

5 He can then try to summarize it in a couple
6 bullets. I don't consider that confidential information
7 or anything like that. It's pretty simple where we talk
8 about the definition of unknown contaminations.

9 We're saying this site was not in that area
10 of known sites in 1989.

11 MR. YOUNGKIN: So we can convince this aid
12 pretty easily.

13 MR. COOPER: And we can add a map to it to
14 try to make it a little bit more real, and I can also let
15 Doug, you know, know about what the Army's rebuttal is to
16 that just --

17 FACILITATOR KERN: That might be useful.

18 MR. COOPER: Yeah.

19 MR. BERMAN: I still think it's dangerous
20 not to have some larger context somewhere, whether it's an
21 appendix -- because the first thing that someone could ask
22 well, you got a hundred million. You can't figure out how
23 to get three million out of that?

24 I just think that in the context of the
25 larger amount of money, if you don't make a hint that

1 there is a shortfall somewhere, then it looks like you're
2 quibbling, almost.

3 MS. NEWTON: I don't think the question,
4 Julian -- I don't think you would -- there's obviously a
5 shortfall. There's a -- we need more funds. There wasn't
6 enough funds committed to cover the cost of the project.
7 So you have to let them know that.

8 I just don't think that you have to
9 elaborate on -- on any other possible ways of getting the
10 funding, because the first and foremost way to get it back
11 is where should it come in the first place and the
12 projects were underbid or --

13 MR. BACH: There's new sites. You bring a
14 whole new light to Mercury, but you might also -- to that
15 end, I don't know what you can do about this, but is there
16 some way that you can add the end of the -- where the last
17 of the moneys go?

18 What if they come back to you "well, if we
19 give you those additional funds, who's to say in a couple
20 years you're not going to come back with another
21 contingent and ask for more money and some of that stuff
22 is perpetual and you want to do what you can to put a plug
23 in that quickly, too, just so you can get what you want.

24 MR. BERMAN: Well, but there are going to
25 be other -- there's going to be other disputes. This is

1 not the only dispute, and so you have to do this in the
2 context of a shortfall, because -- and that's why it's
3 important to win this one and to do it right because of
4 the other disputes that are coming down the line.

5 So I don't think it's just a one-shot thing
6 at all. I mean, here you've got -- you've got to figure
7 out your tactics and that's most effective, and I think
8 Julian's comment is really important that you don't
9 overload it with generalities and take up their time
10 trying to see the big picture, but -- from the outset.

11 That's why I think it's good to go right for
12 the -- for the jugular in the beginning, but then say yes,
13 it's in the context that there's a lot of tigers out
14 there.

15 FACILITATOR KERN: Julian.

16 MR. HULTGREN: Yeah. Going back, I think
17 Sam's suggestion is a good one, and -- if I understand it,
18 and that would be that you make the -- your pitch first
19 for getting support from the legislators to support the
20 Trust in getting the Army to do its first
21 responsibilities, and then at the end as a reason why this
22 is important -- you almost need to use those words.

23 "Why this is important," it has to be
24 understood or they have to be aware that there is a
25 potential shortfall and therefore it's important to

1 generate all the -- to generate all the funds that are
2 available and to take every step that is appropriate, is
3 available in maximizing the funds.

4 But I think it should be -- I think as Sam
5 says, it should be toward the end after we've made our
6 real pitch.

7 FACILITATOR KERN: Mm-hmm. Sara and
8 then --

9 MS. SEGAL: Craig, on this dispute
10 resolution, which is obviously going up to level three,
11 we've won other disputes with the Army or this is the --
12 when we've questioned not getting money for something or
13 this is the --

14 MR. COOPER: This is the first major --
15 this is the first one we've gone into formal dispute
16 resolution on.

17 MS. SEGAL: But we've won some when we've
18 raised -- have we won other times?

19 MR. COOPER: The Army has sent us two
20 checks on unknown contamination, and they're performing
21 the work at the mustard gas site. So we've gotten two
22 checks. They're both less than \$30,000.

23 MS. SEGAL: Right.

24 MR. COOPER: And they're performing the
25 work at the mustard gas site, so --

1 MS. SEGAL: And this scenario doesn't have
2 anything to do with another looming scenario, which would
3 be dispute resolution with Zurich; right?

4 MR. COOPER: Correct. Different --

5 MS. SEGAL: That's a whole other world --

6 MR. COOPER: The agreements speak to each
7 other so we know the Trust can't be paid twice, for
8 example. Right. Two separate processes.

9 MS. SEGAL: I want to make sure.

10 MS. PASSERO: I was going to say the other
11 rational precedent setting, potentially setting a
12 precedent for how funds can be received from the Army in
13 the future.

14 FACILITATOR KERN: So my understanding from
15 your comments and how I would revise this --

16 MR. BERMAN: Got one more comment from John
17 here.

18 MR. BUDROE: Thank you.

19 I actually think what Julian said about this
20 and that, that order is fine. One thing that we want to
21 keep in mind with this is what Pelosi's office can do and
22 what her office can do well.

23 I mean, she -- what they'll wind up doing is
24 she chooses to take action on the dispute resolution.
25 She's going to send the letter to the Army saying, you

1 know, we have these concerns, so on and so forth.

2 The Army can turn around and then politely
3 send her a letter essentially saying buzz off, you know.
4 They're not going to do it quite like that, but this is
5 something that's totally executive branch.

6 She's got influence, but she's got no real
7 control.

8 What she's got control over is getting money
9 put into an appropriations bill somewhere for Presidio
10 Trust environmental cleanups.

11 So it's good to focus on the near-term in
12 getting this through, but what might be the more important
13 larger issue in the end is getting her good with the idea
14 that they may just have the -- Congress may have to
15 appropriate more money in the cleanup period in an
16 appropriations bill.

17 So you don't want to lose site of that --
18 that's something that you want to accomplish because
19 you're not going to do that in one letter. It's going to
20 take a while of working at it to get that to happen.

21 MR. BERMAN: And that's why the context at
22 the end is really vital, I think, because that's your
23 opportunity to -- to have something in there that alerts
24 them of this problem.

25 FACILITATOR KERN: So my sense of your

1 comments are to get the imminent situation up front and
2 center and clear, describe that situation and what we want
3 and then have any kind of context later, either as an
4 attachment, if there are maps and even greater details we
5 can put in a larger package, but to principally have this
6 show this particular situation and then have a context
7 where we begin to set the stage possibly for
8 appropriations down the line.

9 MR. CHESTER: You want to consider
10 numbering this, perhaps? I don't know what you would call
11 it, but it would be like a --

12 FACILITATOR KERN: Well --

13 MR. CHESTER: Added to the title so that
14 they would continue on with the funding gap after you
15 focus on the first. Just a suggestion.

16 FACILITATOR KERN: Yeah.

17 MS. GEE: One way you could do it, with the
18 fifth -- the one point on the means for closing the
19 funding gap is you might want to reorder it so that the
20 first one is against the Army, and then put the new
21 appropriations right afterwards, and the other ones to be
22 the contextual other -- other means, you know, because as
23 John said, you know, I think that's appropriate to plant
24 the seed even though you don't -- you're not going full
25 face to Pelosi's office for the new appropriations, but

1 that is something in the offing that the RAB or the
2 Presidio would want to go back to them -- her on.

3 FACILITATOR KERN: Michelle.

4 MS. PASSERO: It might be good to find
5 out -- get a sense of the timing of the Army's budget
6 process and who's involved in those committees, too.

7 MR. BERMAN: But this is probably the --
8 legislative end. I think it's money. It's probably not
9 earmarked in the way it's done now, it's a big lump sum.

10 MS. PASSERO: No. I was just thinking of
11 influencing -- because a lot of times here in the
12 California legislature, when you want to get something
13 done, what they'll do is they'll sort of muck around and
14 hold their budget hostage.

15 MR. BERMAN: I see. I'm sorry.

16 MS. PASSERO: I don't know necessarily in
17 federal process it works the same way. I'm sure it does,
18 to maybe perhaps a more limited extent, but if you time
19 this and maybe have the discussion with that -- and I
20 don't know who Nancy -- Nancy Pelosi's, her relations, but
21 it might have more of an effect of knowing who's involved
22 there and the timing of that.

23 MR. WILLNER: This is an election year. I
24 would stick with Pelosi every day of the week. Let her
25 handle the whole thing.

1 MR. COOPER: I'm not an expert on BRAC
2 funding. I think there could be site specific breakdown
3 of the BRAC budget every year. I don't know.

4 Brian, do you know how that works?

5 MR. ULLENSVANG: I know at least internally
6 they do that.

7 MR. BERMAN: Internally within the Army.

8 MR. COOPER: You can ask the aid if they
9 can --

10 MR. BERMAN: Right.

11 MR. COOPER: -- reach that far in to see
12 site specific breakdown.

13 It's certainly done -- every year they do
14 that, so it's written down someplace.

15 MR. BERMAN: Right. In the Army.

16 MR. CALLANAN: Who's proposing to send this
17 letter or contact Pelosi's office? Is it the Trust or is
18 it --

19 FACILITATOR KERN: It would be us. It
20 would be from the RAB, because the Trust probably is not
21 in a position to do anything like this.

22 MR. COOPER: Correct.

23 MR. CALLANAN: It might not hurt to ask in
24 the letter is she would like to assign some member of her
25 staff to be in contact with us, and when you have these

1 new advanced items to come up, you go to that one person
2 instead of trying to start from scratch again.

3 MR. COOPER: Mm-hmm.

4 MR. WILLNER: She might be anxious to do
5 something.

6 FACILITATOR KERN: I think I have a very
7 good sense from everyone's comments, which I greatly
8 appreciate, and what we probably need to see now is a new
9 reworking of this so you can have at it again.

10 MR. BERMAN: And Doug, I think it was great
11 that you were the straw man for this.

12 FACILITATOR KERN: That's what you're
13 supposed to do, so -- very good. Thanks for your comments
14 on this. We have a little time, and as usual, we're
15 generating a good product.

16 Mountain Lake updates.

17 We -- I guess I had a conversation with
18 Craig -- I think I can talk about.

19 MR. COOPER: The grants project summaries
20 that we sent to Caltrans.

21 FACILITATOR KERN: Right. And then I have
22 some independent information that I think it at least --
23 the timing may be good for us to make contact, us being
24 the RAB to kind of reinforce the urgency of the project
25 and the -- to confirm -- get some confirmation back from

1 Caltrans that all the work that the Trust is doing by
2 submitting multiple proposals, they're going to be reacted
3 to so that there's a public --

4 MR. COOPER: Yeah.

5 FACILITATOR KERN: -- element to -- in that
6 they can't just kind of keep shining us on year after
7 year.

8 So I did have a brief conversation with
9 Michelle before the meeting started. One idea is to get a
10 letter going kind of detailing the history of this, maybe
11 starting out the same way that we just went through,
12 though, that says this is what -- what we want. This is
13 the imminent situation. This is what's happening.

14 We want the -- Caltrans to act favorably on
15 these proposals that have been submitted by the Trust, and
16 then give the context perhaps in some attachment.

17 We have a resolution that we produced a
18 couple of years ago now. There certainly have been
19 multiple interactions with Caltrans, and I think what is
20 being -- what is appropriate for us to do is to really try
21 to get a public contact with these folks and see what we
22 can move ahead from our own influence.

23 Does that seem appropriate to you?

24 MR. COOPER: Yeah.

25 MR. HULTGREN: A question, I guess, a

1 statement. I assume that neither you nor Craig can tell
2 us any of the specifics about what's happening, but that
3 it's basically some negotiations going on; is that
4 correct?

5 MR. COOPER: I can talk in detail about the
6 grant application process that we're going through, but
7 see, then concurrent with that is this legal settlement
8 process with attorneys. That's the part I can't talk
9 about very much in detail.

10 MR. HULTGREN: Yeah. Is that the part that
11 you're suggesting that we write a letter to?

12 FACILITATOR KERN: Not really, because I
13 don't really know that we -- we don't really know anything
14 really about that.

15 I mean, what we do know are these proposals
16 and we know that there's even a large one addressing the
17 grant.

18 MR. COOPER: Yes. The grant proposals,
19 right.

20 FACILITATOR KERN: And presumably the -- I
21 guess the concurrent processes will -- something will
22 happen, and now we're entering in on the side of the grant
23 proposals.

24 MR. COOPER: Right.

25 MS. CHEEVER: Well, one very specific

1 factual question I'd like to ask Craig. At a recent
2 meeting, you're going to go ahead and ask for everything
3 that Caltrans is responsible for instead of the two
4 smaller proposals.

5 Can you just say what the total amount that
6 you're submitting? What's the total? Oh.

7 MR. COOPER: We asked for everything just
8 to answer your question. It adds up to eight million
9 dollars worth of requests.

10 We obviously have asked -- one proposal is
11 for the lake dredging project or CERCLA project that we
12 all know about, about the contaminated lake sediments and
13 dredging that out. That's one project proposal.

14 Then we've asked -- the other project
15 proposal is for the reroute of the storm drains and for --
16 and for fixing the lake overflow piping network and
17 drainage network.

18 So those are the two project proposals.

19 Obviously the lake dredging one is the most
20 expensive. It's -- I can't remember off the top of my
21 head, but we put some contingency in there. Around six to
22 seven million, and then the storm drain reroute and the
23 overflow is around two million.

24 So that's where you end up with about
25 eight -- eight to nine million dollars worth of requests

1 into Caltrans right now.

2 MS. PASSERO: Are they all secret?

3 MR. COOPER: No. The way Caltrans
4 explained it to me is that they're looking at TEA grant
5 and other funding mechanisms, that Nidal is shopping this
6 around right now within Caltrans, and so I left -- that's
7 kind of a vague response, but that's the response I got,
8 so -- because I wanted to ask, "Does that include your
9 general appropriation money?" But I didn't ask it.

10 So --

11 MR. YOUNGKIN: Was he the person to send it
12 to?

13 MR. COOPER: Now is the time in my opinion
14 are you interested to see how Caltrans is reacting to the
15 Trust project summaries, if they're taking them seriously,
16 what the initial feedback is. Yeah, now is the time to
17 start.

18 Obviously Nidal is the person in the know.
19 That's exactly who I addressed my -- you know, I sent it
20 or by e-mail to him, but, you know, you can also ask who
21 --

22 FACILITATOR KERN: There are higher up
23 people. I know we've communicated with Bijan Sartipi at
24 Caltrans before. I think he's a little further up.

25 MR. COOPER: Yeah. He's the top of the

1 Oakland district office; right?

2 MR. NARALA: Yeah.

3 MR. COOPER: There you go.

4 MS. SEGAL: Does Caltrans operate on a July
5 1 fiscal year or October 1st?

6 MR. COOPER: July 1.

7 MR. NARALA: July 1.

8 MS. SEGAL: So the grant application, is
9 there some date -- this is not the first time we've
10 submitted grant application, so -- but is there some date,
11 you know, that we're going to --

12 MR. COOPER: Yeah.

13 MS. SEGAL: And the other part of my
14 question is on the TEA grant. Isn't some of the money
15 related to federal money that Caltrans gets?

16 MR. COOPER: Absolutely. Both good
17 questions. Nidal said that he was going to get back to us
18 with preliminary feedback within Caltrans on both project
19 summaries by the end of August.

20 That's why I'm saying it's a little bit
21 timely. Who knows? He might slip on that, but is --
22 now's the time if you really want to inquire with Caltrans
23 regarding how seriously they're taking these project
24 summary grant applications, and as far as the TEA grant
25 money being passed through from federal agency, that is

1 true, that some of that money is from the Department of
2 Transportation -- Federal Department of Transportation
3 that's allocated to states -- to Caltrans and actually to
4 another agency.

5 It gets complicated. To the -- Michelle
6 might -- local transportation authority. They get --

7 MS. SEGAL: Cal TA.

8 MR. COOPER: They get TEA grant money,
9 also.

10 MS. SEGAL: Timing is everything, and
11 sometimes under the federal rules and the state, they need
12 to allocate this money by -- before the end of the fiscal
13 year so that it doesn't disappear. Sometimes a two-year
14 money and sometimes less. I think everything's two-year
15 money in the feds.

16 MR. COOPER: That's right, and that's what
17 happened -- that's what they said that killed us in our
18 last grant application. They said we went and started the
19 project before the money was going to get withdrawn.

20 Now we're just starting another two-year
21 cycle, they said, so there's more hope that we can pull
22 this off in two years.

23 MS. SEGAL: Are we under a time frame for
24 the dredging project? Are we talking -- are the
25 regulatory agencies on our back?

1 MR. COOPER: Yeah.

2 FACILITATOR KERN: No. If there's money
3 available, let's get it and start the project.

4 MR. COOPER: Yeah. If we all of a sudden
5 got a very large sum of money that we were told if we
6 didn't spend it within date X, we would probably have an
7 emergency RAB meeting, I'm -- and take a look at, you
8 know, project priorities.

9 I think that everybody would be amenable to
10 take a look at that. We all want all projects done on
11 rollouts scheduled, but if a deadline gets placed on one
12 with large financial implications, I think that would get
13 our attention.

14 But I would be happy to be in such a
15 situation.

16 FACILITATOR KERN: So I will try to get a
17 letter together for our mini meeting that people can take
18 a look at on this subject that we will send over -- but if
19 you have any ideas.

20 I definitely don't mean to sort of hog the
21 writing of straw man letters. If there's anyone that
22 would be just thrilled to start this process, I'm happy to
23 hand this one off.

24 If there's anyone -- or if anyone has any
25 ideas about -- that you'd like me to see get in this,

1 please send them along, but --

2 MS. PASSERO: Mountain Lake?

3 FACILITATOR KERN: Yes.

4 MS. PASSERO: I'll work on it if you want.

5 FACILITATOR KERN: Thank you. Very good.

6 All right. Upcoming Summit meeting.

7 MR. BERMAN: Who would the Mountain Lake
8 letter be addressed to?

9 FACILITATOR KERN: Well, in my mind the
10 person that's worked with us in the past is Bijan Sartipi,
11 and then he can -- and we'd copy Nidal presumably, but I
12 -- I would be open to other suggestions.

13 I definitely know that he would get the
14 word.

15 MR. BERMAN: And is the concept of the
16 letter to -- to argue that there are these grant
17 applications coming from the Trust and that we as a public
18 organization feel that it's very important for Caltrans to
19 find a way to fund these?

20 FACILITATOR KERN: That's the essence of it
21 and then have our arguments in them.

22 MR. COOPER: And Michelle, I can e-mail you
23 the project summaries, the Word files. You can cut and
24 paste from them.

25 MS. PASSERO: Okay.

1 MR. COOPER: Did you volunteer?

2 MS. PASSERO: Yes.

3 MR. COOPER: It's a grant application.

4 There's nothing confidential about these, and so I'll just
5 e-mail you the project summaries and that way you can --
6 I'm assuming your letter will have a little bit of
7 background context, you know, and that way you don't have
8 to make it up yourself. You can just cut and paste from
9 the project summary.

10 MS. PASSERO: Okay.

11 FACILITATOR KERN: Anything else on
12 Mountain Lake?

13 MR. BERMAN: Yeah. I just wonder about the
14 tone of this letter because this again, when you start
15 writing to Sartipi, this is up in the top of Caltrans and
16 this becomes fairly important to do it right, and so I
17 don't want to delay the meeting here, but, I mean, would
18 the letter say something about that contamination was
19 found in Mountain Lake that was not expected and it turns
20 out the contamination is lead and the lead is coming from
21 rain -- runoff and it's essentially coming from property
22 owned by Caltrans?

23 I don't know if you want to put it, you
24 know, in kind of -- push on why we're trying to involve
25 Caltrans because they have some blame or do you want to

1 step out of that completely and say: "Hey, we're
2 concerned about cleaning up the Presidio. The Trust has
3 written for grants -- grants. We'd like you to try to
4 figure out a way of honoring these grants."

5 So there's two different tones there
6 which -- just throwing it out there for discussion for a
7 minute.

8 FACILITATOR KERN: My reaction is over the
9 years, Bob has certainly mentioned many times that
10 Caltrans is not going to budge on -- on lead in roadside
11 runoff, so I think that we have some kind of an opening
12 with Caltrans offering to even accept a proposal on the
13 lake dredging defined from funding of some sort.

14 So I would not advise that we mention the
15 lead contamination at all, that we talk about how
16 important the project is to the local community, that it's
17 something that would be, you know, a win for Caltrans in
18 many ways to contribute to the --

19 MR. BERMAN: Okay.

20 FACILITATOR KERN: A clean environment.

21 MR. BERMAN: I agree with that. I'm just
22 trying to get some of these things out, and Michelle is
23 going to write it, that she has, you know, some points to
24 grab hold of, and I agree with you completely. It should
25 be as positive as possible without -- without blame.

1 FACILITATOR KERN: Julie.

2 MS. CHEEVER: Just to build on what you're
3 saying, and I think our strength is -- and know one can
4 dispute -- that we are members of the public and in a way
5 we're representatives of the public; certainly not the
6 exclusive representatives of the public, but as members of
7 the public on this board, we want to let them know that
8 the public is very concerned about this. This is very
9 important to us.

10 MR. BERMAN: Yeah. Good point.

11 FACILITATOR KERN: Other thoughts on
12 Mountain Lake?

13 All right. Thank you very much on that
14 item.

15 I think for those of you that have seen this
16 process going now for many years, it's just amazing that,
17 you know, we're around here to keep nudging this thing
18 along, and we definitely appreciate the work that the
19 Water Board has done on our behalf, that DTSC -- Bob has
20 recently been heavily involved with the Caltrans lawyers,
21 Craig and his staff in submitting these proposals, you
22 know, with one day notice.

23 So it's really an amazing team effort to
24 keep this one front and center and still alive, so we'll
25 keep -- we'll keep working it.

1 All right. The upcoming Summit meeting.
2 Week from today.

3 We had a preliminary Summit meeting
4 preparation meeting today at four o'clock where we talked
5 about our agenda, proposed agenda.

6 The initial part of it was what would our
7 signing -- what still needs to be done to make sure we can
8 sign the document in a week, and there still are a few
9 things going on.

10 They seem to all be doable. I think there
11 are -- there's a Fed-Ex of the document being sent to
12 Sacramento. Bob's going up there to get signatures early
13 next week.

14 Craig is working on a variety of things with
15 his board. So there's, as always, a lot of last minute
16 things going on.

17 And then we talked a little bit about
18 acknowledging a lot of people at this meeting that
19 everybody pulled together to make RAP3 happen, that it was
20 really a team effort not on paper at all, but actually
21 deeds done by each of the partners, and then have some
22 sort of signing ceremony, if we can manage that, and
23 Craig's trying to make sure people are going to be there.

24 I guess Bob let us know today that Tim
25 Landis may or may not be there. We certainly hope that he

1 will be, but he will have signatures available if Tony
2 can't be and then Tony was going to be available by phone
3 for the meeting, as well.

4 So for the actual -- trying to pick up on
5 the momentum of the RAP3 success and the signature, we
6 would be moving into discussion of the sites involved in
7 RAP4, and those have been held up, stalled, perhaps,
8 little bit.

9 There have been issues outstanding on those
10 sites. We got into a bit of discussion of what those
11 issues are today.

12 At landfill 10, there are issues with
13 hexavalent chrome in some of the water wells nearby. That
14 needs to be reviewed and perhaps more data collected.

15 There needs to be evaluation -- more
16 evaluation of the stability of the landfill at landfill
17 10.

18 So there were just technical discussions
19 around what geotechnical information might be needed and
20 what well information might be needed, and I brought up
21 comments that the RAB has made previously around having
22 other alternatives that have been already put out there,
23 something less expensive that we could compare it to.

24 So those are some of the issues. They were
25 discussed at length, and I think there's the beginnings of

1 a plan of how to attack these various unresolved issues.

2 So my understanding -- we were running out
3 of time before coming over to this meeting. My
4 understanding is that we're going to at least talk by
5 phone or e-mail before the Summit meeting and try to have
6 that plan kind of written out so we can propose the plan
7 to the managers that will be there and have an updated
8 schedule of how we're going to try to meet that, and that
9 will be the principal momentum searching goals for RAP4 in
10 the second half of our Summit meeting.

11 Bob, Craig, Brian, any thoughts about --
12 from you guys about that Summit meeting or our meeting
13 today? That covered it?

14 MR. COOPER: Yeah.

15 FACILITATOR KERN: All right, then.

16 MR. BERMAN: Could I ask a question,
17 though?

18 FACILITATOR KERN: Please.

19 MR. BERMAN: One of the real big expenses
20 in 10 is the June -- is the stability issue and the slope
21 cutting, and there has been -- as far as I can see,
22 there's been no alternative plan -- technical plan that's
23 been provided since we had those discussions. It must be
24 a couple years ago.

25 So when you say, you know, we're trying to

1 resolve getting the issues of RAP4 into a -- into the
2 Summit meeting, you're not going to be able to resolve
3 that between now and next --

4 FACILITATOR KERN: No.

5 MR. BERMAN: -- Tuesday.

6 FACILITATOR KERN: No, but we will have a
7 plan to move ahead, and I think the plan is -- since
8 geotechnical stability is one of the primary issues, one
9 of the things that seemed to reach some consensus today at
10 today's meeting was rather than wait, that that process of
11 getting at geotechnical answers, which just to review,
12 landfill 10 has a lot of this debris, but it's sitting on
13 sand, and that sand is a less stable foundation for all
14 this debris.

15 So from the geotechnical information that we
16 have, that represents one of the potential failure points
17 that needs to be guarded against.

18 Well, talking about it today among
19 everybody, one idea that came up was that Craig could
20 bring on a staff person that had that kind of background,
21 a design manager looking for -- that would be able to go
22 after these problems and specify the kinds of technical
23 information that we still need and then go get it, and
24 then if we discovered that -- let's say that geotechnical
25 information suggests that we could have a new alternative,

1 one that might be putting in pin piles or something else
2 to kind of pin back the slope, and let's say we save a
3 million dollars by doing that, then we could go back and
4 generate that alternative.

5 Normally you try to go through all the
6 alternatives in a feasibility study ahead of time, and as
7 I learned today, some of those were ideas that were
8 thought about early on, but eliminated for various
9 reasons, but that was not necessarily an open process that
10 we were all involved in.

11 So we may be able to resurrect some of that
12 information because somebody reviewed it already, and then
13 look at new geotechnical information to see will we
14 actually save some money on some of those ideas that may
15 have been screened out early in the process.

16 So I think there may be an opportunity at
17 least to give our audience, ourselves and our larger
18 audience the information that these other alternatives are
19 here in the package, they have been looked at. Here's why
20 we selected what we did, and that's -- I would feel a lot
21 more comfortable if we had that in our package.

22 MR. BERMAN: Are those -- the contractor
23 who did -- who did the geotechnical work and supposedly
24 did some partial looking at -- at those alternatives, is
25 that information something that's available? Can the

1 Trust request that or are they going to have to pay
2 additional moneys to get that because it wasn't part of
3 the feasibility study?

4 FACILITATOR KERN: I think the geotechnical
5 information that we have is available to us, yeah.

6 What might not be available would be a more
7 detailed analysis of other alternatives. They may have
8 just been -- so if -- if it turns out that, I guess, one
9 of the options that was mentioned today, one that maybe
10 all of us could see readily if it took ten of these
11 pilings to stabilize the slope because it was really
12 unstable, so it took a hundred and therefore cost a lot
13 more, then you wouldn't do it, but we -- we may need that
14 geo -- additional geotechnical information to know the
15 answer.

16 So it's a little bit of chicken and egg kind
17 of going back and forth.

18 So I don't think we have all the information
19 to make a decision.

20 Bob or Craig or Brian, anything to add to
21 that?

22 MR. COOPER: Nope. That pretty much --

23 MR. BERMAN: So what do you expect to get
24 from the managers at the Summit meeting that you already
25 wouldn't do, anyway?

1 FACILITATOR KERN: Well, that's the whole
2 point. We don't even talk to upper managers at this
3 detail. So I think just unveiling our plan, our schedule
4 and our plan on how to resolve these technical issues,
5 planning issues, remedial designing issues, just letting
6 them know what our vision is I think is a big step.

7 Everybody kind of shaking their head going
8 yeah, and what I kind of envision is maybe a matrix kind
9 of saying what the issues are, how we're going to solve
10 it, who's going to -- who's going to solve it, who's going
11 to work on the team to solve it, and then what's the
12 schedule for that, and I think then what the idea is that
13 not only to let these upper managers know what our
14 strategy is, then they can start to think through, oh,
15 what kind of resources is my agency going to have to bring
16 to the table to, you know -- to support this -- this
17 strategy.

18 That's what I see the Summit meeting to be
19 about.

20 FACILITATOR KERN: That sounds about right,
21 because at one point in one of our Summit meetings, Dan
22 Murphy looked at well, why can't we just accelerate the
23 schedule, and that had a big impact on our being able to
24 meet this deadline that we're going to meet in a week,
25 because his agency stepped up to the line and then the

1 Trust said they could do it, the Park Service said they
2 could do it and we said we could do it, and so everybody
3 came together, and so I think that's where part of what
4 we're doing.

5 MR. COOPER: That's exactly right.

6 FACILITATOR KERN: Trying to get everybody
7 to say, "Okay. We can do this."

8 MR. BERMAN: So the thing is -- it's sort
9 of an informational presentation and kind of a -- an
10 almost subliminal request that there may have to be
11 commitments by the -- by those agencies represented by the
12 upper management in order to accomplish this, and so do
13 you want to bring that out overtly?

14 MR. COOPER: It won't be subliminal. It
15 will be fairly -- I don't know how -- I think that each
16 agency will have to -- I've already talked about how my
17 agency is going to try to solve these problems, and I
18 think each agency, you know, will have to discuss that
19 internally to see how they're going to -- to do that.

20 Can, you know, Bob handle all these --
21 handle the documents that we're going to be throwing at
22 them, the issues we're going to be throwing at them under
23 the schedule that we're trying to buy into knowing that
24 there's more than just RAP4 going on?

25 MR. BERMAN: Right.

1 MR. COOPER: That's it in a nutshell.

2 MR. BERMAN: So it's informational. You
3 show the immense problems that you're dealing with and you
4 need them to recognize that they will have to possibly
5 commit resources if they want to see this kind of schedule
6 successfully --

7 MR. COOPER: Right.

8 MR. BERMAN: -- carried out.

9 MR. COOPER: Right.

10 MR. BERMAN: So they don't sign anything.
11 They just all look at each other and say, "We know that
12 we're going to get called on here."

13 MR. COOPER: Correct. We don't expect
14 anybody to say, "Oh, don't worry. We're going to assign
15 three people to this."

16 It's just more informational, let people
17 think about it. It's basically the same process we went
18 through on RAP3, now that I think about it.

19 In RAP3, we kind of backed into it, you
20 know, and now this time it will be more overt in a sense,
21 laying out what -- what needs to be done and when.

22 MR. BERMAN: So are you going --

23 FACILITATOR KERN: Mark is asking who the
24 contractor is.

25 MR. COOPER: Well, actually, the way we

1 hope to write RAP4 is we have a draft already from EKI and
2 to save -- I want Genevieve basically to take over writing
3 the entire document at this point, and we may eventually
4 need -- in fact, Bob was going to check into this.

5 I'm pretty sure we need the RAP to be
6 stamped at the end of the day, so we'll need a consultant.
7 Whether it's going to be EKI or if I replace EKI, I don't
8 know. I haven't made my final decision on that, but we
9 will have a consultant -- if DTSC needs an engineering
10 stamp on that and I don't know if we can offer up George's
11 stamp.

12 So I am going to need a consulting firm's
13 engineering stamp, and so it's just a matter -- I need to
14 figure out internally through Genevieve and through EKI is
15 like what -- what are we -- if we do keep EKI for this,
16 how -- do we need to keep them involved so we can get
17 their stamp at the end of the day and keep their costs
18 down?

19 Those are the two things -- those are the
20 two things I'm balancing, because there's going to be a
21 lot of meetings and a lot of stuff going on and, you know,
22 consultants.

23 They want to bring two people into the room
24 every time, and the money ticker is ticking on this.

25 I was lucky enough to hire somebody who

1 knows writing RAPs, and I need to have EKI participate in
2 letting that -- letting her take control of the document
3 and then still keeping involved, so at the end of the day,
4 we can get their stamp, and I've got a similar idea for
5 the remedial design, as well.

6 It's similar, but slightly different,
7 actually hiring a consultant to be basically a remedial
8 design project manager, and it's something that we believe
9 we kind of talked about that for the Booz Allen analysis.

10 It's basically trying to implement that idea
11 where they would be like a quasi project manager leading
12 the design through all -- all the issues, and we've also
13 decided that the RAP and the design process need to go
14 concurrent.

15 So it's not like I can sit around on either
16 one. I've got to get busy on getting my team together on
17 both -- on both projects, RAP and remedial design, yeah.

18 FACILITATOR KERN: Other comments?

19 Well, it's going to be a great project and
20 we'll have something ready for George to do next year.

21 MR. COOPER: There you go.

22 FACILITATOR KERN: It's -- it is going to
23 be busy for many months.

24 MR. COOPER: Yeah.

25 FACILITATOR KERN: Item number 6, we're

1 right down here at the end. Bob or Devender, anything to
2 add?

3 MR. BOGGS: This should only take twenty
4 minutes or so. No. Nothing to add at this point.

5 MR. NARALA: Yeah. Last RAB meeting, I
6 talked about the May 21st site tour to the Presidio and
7 Doug was there. There were approximately 25 people from
8 all over the state and the DOD program managers and the
9 staff from our office attended this tour.

10 Everybody liked it very much. I think it
11 was very informative and I would like to thank Brian here
12 and some of their staff and Craig and his staff, and our
13 executive officer has sent a letter out to both the Park
14 Service and the Trust thanking them and you and Mark
15 should be getting a copy of it. If you don't, let me
16 know. I can get you one.

17 FACILITATOR KERN: Okay.

18 MR. NARALA: It was a good trip.

19 FACILITATOR KERN: Yes.

20 MR. NARALA: Everybody liked it. Good
21 weather. Perfect day.

22 FACILITATOR KERN: It really was. It was a
23 perfect day to have people out.

24 MR. BERMAN: Just a comment, you know. I
25 think Doug thanked the -- many of the people there for

1 their service. I don't know if you communicated this to
2 the RAB or not, but they were stunned that anyone would
3 ever thank them.

4 FACILITATOR KERN: It's true. Near the end
5 of the day, many of them said, "Wow, nobody really ever
6 thanks us."

7 Is there any new business?

8 So the action items, we have work on this
9 Congressional briefing information. Michelle and I are
10 going to work on the Mountain Lake letter to Caltrans.
11 We'll be reporting on the Summit meeting, how that went.
12 Those are the main items that I have.

13 But if we have other things that come up,
14 please -- anything that I missed, let me know.

15 MR. BERMAN: Let's see. There's -- George
16 has an action item. He has to get you the name of the
17 person in Pelosi's office, so that's -- and then you
18 probably need to also find out who the Sartipi letter
19 should be copied to.

20 FACILITATOR KERN: Very good.

21 MS. SEGAL: And George, thank Andy
22 Scheaffer for coming up to share with us. I thought that
23 was really great, and the fact that RAP3 is actually going
24 to happen. Pretty spectacular.

25 MR. FORD: I'll pass the message on.

1 FACILITATOR KERN: Yeah, I agree. It means
2 a lot to us that he would be here in the evening to let us
3 know about that stuff.

4 MR. BERMAN: He's probably an honorary
5 citizen of Liechtenstein, and they do that all the time.

6 MR. FORD: It's funny. He actually buys I
7 think half of those machines that are imported to the
8 United States. He buys half of them. The rest of them
9 are sold in Florida and Georgia to clean out swamps, so --
10 he's a big customer for them.

11 FACILITATOR KERN: Agenda items for -- yes.

12 MR. COOPER: On agenda items.

13 FACILITATOR KERN: Yes.

14 MR. COOPER: So for June 26 committee
15 meeting -- and I have not talked to the regulators or
16 Brian about this, but I would like to recommend that we
17 use that committee meeting, if you all agree to discuss
18 the Lobos Creek DQOs package, if that's all right with
19 everyone.

20 It's been out there for a while. It's an
21 important project, and since the RAB was kind of the
22 leading force for us to investigate Lobos Creek some more,
23 I think it makes sense to have like a stakeholder meeting
24 about our -- the DQS package is the outline to our field
25 investigation work plan.

1 So you'll know exactly -- it lays out our
2 strategy of how we're going to characterize Lobos Creek
3 and I think it makes sense to do that at a RAB committee
4 meeting.

5 I know it will take up a chunk of time, but
6 hopefully not more than an hour if we all just kind of --
7 what I can see is the Trust would briefly give an overview
8 of our overview strategy, maybe have a big map of what
9 we're sampling and why and get comments from Bob and
10 Devender.

11 MR. ULLENSVANG: I would suggest there's a
12 number of other people. We have the City of San Francisco
13 financial resource staff who are very heavily involved in
14 this process and need to be included in that meeting. I'm
15 not sure we can commit them to a Tuesday night.

16 MR. COOPER: Can you bring the -- you're
17 talking about other Park Service resource?

18 MR. ULLENSVANG: Yes.

19 MR. COOPER: Can you represent them at this
20 meeting?

21 MR. ULLENSVANG: Well, not totally.

22 MR. COOPER: It's a CERCLA investigation
23 work plan.

24 MR. ULLENSVANG: Well, the CERCLA
25 investigation of a natural resource water quality supply,

1 so there are other issues that go on, and I'm not as
2 familiar with work that has gone on there that needs to be
3 incorporated at least in our meeting.

4 MR. BOGGS: Well, it may take both; i.e.
5 to get the RAB's concerns --

6 MR. ULLENSVANG: That's fine.

7 MR. BOGGS: -- involvement, and then also
8 to get other stakeholders so it would be more typically
9 your 8:00 to 5:00 folks.

10 MR. ULLENSVANG: I'm expressing that. I
11 don't know if we'll have everyone available to do that in
12 an hour meeting.

13 I'm not suggesting we don't talk about it,
14 but our goal may be different unless we do some additional
15 pre-work making sure that those issues are brought to the
16 table by that meeting.

17 MR. BERMAN: So maybe that subject wouldn't
18 come up till the following committee meeting in terms of
19 schedule.

20 MR. COOPER: Push it back another month?

21 MR. BOGGS: We'll be starting on our
22 characterization work before too long.

23 MR. COOPER: I think we can meet with these
24 other folks after the 26th, right? Because the next --
25 it's not like it's over because after the DQO, then we

1 submit a draft field sample plan.

2 So everybody gets another bite at the apple
3 at that point in time. We're trying to get as much input
4 as possible by this page.

5 MR. BOGGS: Most people's big bite on the
6 apple is the draft investigation work plan, whereas the
7 DQO is kind of the setup of how you go put that plan
8 together, but --

9 MR. COOPER: Yeah.

10 MR. BOGGS: -- typically it's not until you
11 get that draft work plan together that you would --

12 MR. COOPER: All laid out.

13 MR. BOGGS: -- get everybody involved.

14 FACILITATOR KERN: Let me ask Brian. Would
15 there be a major disadvantage to any of the other natural
16 resource folks if we -- I mean, knowing that we might not
17 capture some of the things they might want to bring to our
18 thinking, we can revisit that again.

19 Would that --

20 MR. ULLENSVANG: We certainly could revisit
21 it. I just don't want to the point where we get to the
22 DQO process, have somebody have a good idea and we have to
23 go back and review something. We talk about trying to
24 review all the good ideas at the beginning.

25 MR. COOPER: Have you sent them copies of

1 the DQOs?

2 MR. ULLENSVANG: It's so many months ago.
3 It's going to be starting over again.

4 MR. COOPER: If that needs to happen, let's
5 get it started, but I'd really like to, you know, keep
6 it -- have the RAB involved in this and kind of part of
7 the project, and we can meet with other people as
8 necessary.

9 FACILITATOR KERN: Well, if there's a way
10 that we can, you know, start something at that meeting and
11 then, you know, keep updating it as we learn more things.
12 All right.

13 MS. SEGAL: Could you remind us what DQO --

14 MR. COOPER: I'm sorry. Data quality
15 objectives, yeah. It's a strategy document.

16 MS. SEGAL: Yeah.

17 MR. CHESTER: I'm in favor of hearing about
18 it.

19 FACILITATOR KERN: Are there any other
20 items for the good of the order?

21 MR. COOPER: Okay. For the August RAB
22 meeting, I think I just sent Mark on e-mail on that. The
23 Army would like to do a presentation on their -- over the
24 last several months, they've been implementing their
25 chemical warfare agent's investigation work plan at the

1 mustard agent site and at other sites in the Presidio and
2 they have basically finished their investigation and
3 testing program and they would like to present, you
4 know -- they're soon going to be in the report writing
5 phase, and so they would like to present to us on how
6 things are going and where the report is likely going to
7 take them.

8 MR. BACH: In August?

9 MR. ULLENSVANG: Will they present any data
10 prior to the meeting so we could reflect on it and ask
11 questions?

12 MR. COOPER: Don't know. I can certainly
13 ask them. I don't know if he meant it to be here's my
14 final conclusions or this is the general direction of what
15 the draft data is saying. I can -- I'll ask him.

16 MS. CHEEVER: You meant to say August, not
17 July?

18 MR. COOPER: I meant to say August, yeah.

19 FACILITATOR KERN: Well, it would certainly
20 be good to check in with him to see what -- where he's
21 going to be, whether he wants us to comment more or what.

22 So I'm sure there will always be comments we
23 could make on their stuff.

24 MR. COOPER: Right.

25 FACILITATOR KERN: All right. Any other

1 items? So we'll remember that for the August RAB meeting.

2 All right. Without objection, then, meeting
3 adjourned. Thanks to everyone for coming out tonight.

4 (The meeting concluded at 9:15 PM).

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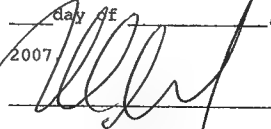
1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

3 I, the undersigned, hereby certify that the
4 witness in the foregoing deposition was by me duly sworn to
5 testify the truth, the whole truth and nothing but the
6 truth in the within-entitled cause; that said deposition
7 was taken at the time and place therein stated; that the
8 foregoing is at the time and place therein stated; that the
9 foregoing is a full, true and complete record of said
10 testimony; and that the witness was given an opportunity to
11 read and correct said deposition and to subscribe the same.
12 Should the signature of the witness not be affixed to the
13 deposition, the witness shall not have availed
14 himself/herself of the opportunity to sign or the signature
15 has been waived.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties in the foregoing
18 deposition and caption names, or in any way interested in
19 the outcome of the cause names in said action.

20 IN WITNESS WHEREOF I have
21 hereunto set my hand this

22 day of _____,
23 2007 
24
25 MARK I. BRICKMAN CSR 5527

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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, AUGUST 14, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

RAB Members:
Doug Kern, Facilitator
Mark Youngkin
Craig Cooper
Brian Ullensvang
Bob Boggs
Devender Narala
Peter O'Hara
Gloria Gee
Julie Cheever
Jan Monaghan
John Budroe
Jan Blum
Edward Callanan
Barbara Newton
John Chester
Barbara Kramer

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on August 14, 2007, at the Officer's Club, Building 50, Presidio of San Francisco, California, before me, MARK I. BRICKMAN, CSR No. 5527, State of California, there commenced a RAB meeting under the provisions of the Presidio Trust.

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Robert Boggs, California DTSC:	None
Devender Narala, California RWQCB:	None
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1 FACILITATOR KERN: Welcome, everyone to the
2 regular meeting of the Presidio Restoration Advisory Board
3 for August 2007. I'd like to welcome the Presidio Trust,
4 the National Park Service, our regulators, community
5 members of the RAB, any members of the public that are here
6 tonight and our special guest, Bruce Handel for the Army
7 Corps.

8 Are there any changes or additions to
9 tonight's agenda.

10 Any announcements? Old business?

11 We should move on to our Planning Committee
12 report.

13 MR. YOUNGKIN: Okay. The Planning Committee
14 met on July 24th, which is the fourth Thursday (sic) of the
15 month, and we started off with a discussion of a dispute
16 resolution meeting that had been taking place between the
17 Army and the Presidio Trust and the National Park Service.

18 Now it's a third tier dispute resolution
19 level in Washington, D.C. with the assistant secretary of
20 the Army. Bruce has probably heard all about this.

21 MR. HANDEL: Indeed.

22 MR. YOUNGKIN: So Doug gave a little summary
23 of what he's been involved with, and we spent most of the
24 Planning Committee meeting talking about the Baker Beach
25 project. George Ford and Glenn Angel or Angel.

1 MR. COOPER: Angel.

2 MR. YOUNGKIN: Angel, the project manager
3 gave us a pretty long presentation, discussion of the
4 mobilization and the contract and a pretty long discussion
5 of that whole situation out there. I guess we'll hear
6 what's going on out there a little later tonight.

7 MR. COOPER: Right.

8 MR. YOUNGKIN: And then the last part of the
9 meeting, we talked about RAP4. We sort of had a
10 brainstorming session, I guess we'll call it, resolution of
11 milestones, scheduling, just kind of an overall discussion
12 of RAP4 and how to approach that big project that's
13 upcoming here.

14 That's pretty much it. And our next meeting
15 is two weeks from now, fourth Tuesday of the month.

16 Thank you.

17 FACILITATOR KERN: Thanks, Mark.

18 Any questions for Mark?

19 There are probably ongoing questions that
20 we'll get to later in the status report on the Baker Beach
21 sites and some of the other things.

22 Perhaps we should then move on to reports and
23 discussion, and that's -- I'll turn it over to Craig to
24 talk about that.

25 MR. COOPER: All right. Well, our next

1 agenda item is going to be a presentation by the Army Corps
2 of Engineers, Mr. Bruce Handel, who's very familiar with
3 Presidio remediation program, and he's going to talk about
4 the Army's work about investigating on the sights where
5 chemical work and material was potentially present, and
6 I'll just, without any further adieu, turn it over to
7 Bruce, and Bruce, I'll hit the slide forward then.

8 MR. HANDEL: As Craig mentioned, my name is
9 Bruce Handel. I work for the Army Corps of Engineers. Now
10 it's the MilCon program, military construction.

11 My history here goes back to 1995 where I was
12 managing the environmental cleanup and was at one point a
13 member of this Restoration Advisory Board.

14 Why don't you go ahead and hit the next
15 slide. I'll kind of run through.

16 I'm going to talk about tonight a little bit
17 of background on why we're looking at this topic. I'll hit
18 on the ASR, the archive search report; I'll do a quick
19 run-through on the sites potentially affected by chemical
20 warfare material; I'll review the investigation work plan,
21 the field investigation, the results of the investigation
22 and some conclusions and recommendations.

23 Go ahead.

24 Some background here. We found a CAIS, a
25 chemical agent identification set bottle that was

1 discovered in the fall of 2002 when I believe the Park
2 Service was doing a site restoration.

3 Was it the Park Service or the Trust?

4 MR. COOPER: The Trust.

5 MR. HANDEL: It was the Trust. They were
6 essentially restoring native habitat at Inspiration Point
7 area.

8 Doing so, they came across a bottle, and I
9 believe it was turned over to the archeologists, and as
10 they were cleaning it, they quickly realized that there
11 were some burning of the skin.

12 So the Army was called in and we quickly
13 understood that there was a chemical agent identification
14 of said bottle which contained mustard.

15 At that point, the Trust asked us to
16 essentially clean up, ensure that there were no remaining
17 bottles and some debris and soil piles that they had
18 remaining at the site, so we did that.

19 The results were no -- no additional CAIS
20 files present. We moved on to the archive search report.
21 That was about an eighteen-month effort. We started in
22 October 2003 -- I'm sorry. We finished it in October of
23 2003 following the draft document we distributed around to
24 the Trust, the Park Service and DTSC, and we had numerous
25 meetings about what it was telling us what sites were

1 identified that we should be concerned with.

2 As a result, we identified a number of sites
3 where there was potential for chemical warfare materials,
4 and these were sites where there -- where there was either
5 training or there was an office or there may have been
6 storage.

7 Why don't you go ahead and hit the next
8 slide.

9 MR. COOPER: I'd like to stop real fast,
10 especially for the new members.

11 Any questions about the background section
12 since you weren't around at that period of time, what
13 happened when we found the bottles, when we brought the
14 Army in or was Bruce's summary sufficient?

15 MR. CHESTER: You mentioned bottles.

16 MR. HANDEL: It was one bottle.

17 MR. COOPER: Three.

18 MR. HANDEL: To my knowledge, there was one.

19 MR. COOPER: One was actually opened, one
20 with residue on it.

21 MR. CHESTER: I see.

22 MR. COOPER: It's been a while and my memory
23 is not great.

24 MR. HANDEL: Any others?

25 MR. COOPER: I thought there were three.

1 MR. CHESTER: Was there a --

2 MR. COOPER: Maybe just one. Sorry about
3 that.

4 MS. NEWTON: You looked and you found --

5 MR. HANDEL: No others.

6 MR. CHESTER: But the history of them being
7 on-site, there was documentation or no documentation about
8 there being --

9 MR. COOPER: We'll get to that.

10 MR. HANDEL: I'll kind of get to that.

11 MR. CHESTER: Thanks.

12 MR. HANDEL: But in the results of our
13 investigation, we didn't find any other bottles. When we
14 found the initial bottle, we scoured the site. We had our
15 folks from the -- our folks from the Huntsville office.
16 They're chemical warfare materials experts, center of
17 expertise. They looked around. They did some geophysics.

18 Typically the CAIS files come in a small
19 container. It's a cardboard container. There's usually
20 four bottles and a number of those containers are stacked
21 in a metal container.

22 They did the geophysics to see if they could
23 find any of those metal containers.

24 MR. COOPER: So the Trust site revegetation
25 work -- actually, they weren't revegetating it. They were

1 clearing the site.

2 That stopped immediately. A fence went up
3 around the area. Nobody was really allowed in, in the area
4 and there was signage put up explaining to folks why this
5 fence went up and why people aren't allowed, and the size
6 of the fencing, the area of the fencing was kind of done in
7 coordination with DTSC. DTSC, Bob got involved and
8 required that the fence go up.

9 Even though there weren't any bottles visible
10 -- the Army went in. You could see at the ground surface.
11 Nobody was really allowed at that point in time to start
12 digging around, looking underneath all the leaves and
13 things like that to see if there were any bottles
14 underneath there.

15 That's really kind of what the Army's
16 investigation was there. There was one. You're right
17 about that.

18 MS. NEWTON: I sort have a dumb question.
19 Historically, what were these bottles doing there?

20 MR. HANDEL: I'll get into that. But
21 essentially below Inspiration Point was a training area
22 that the Army had in the early 1900s.

23 MS. NEWTON: Thank you.

24 MR. HANDEL: Any others?

25 Okay. The archive search point. We had our

1 sister district, St. Louis, prepare the archive search
2 report. They're the specialists in doing that.

3 It took several months to do. I believe they
4 completed the draft in July of '03. We sent around again
5 to our center expertise for our review. It was finalized
6 in October of 2003.

7 Through our process of evaluating what the
8 ASR told us, doing some additional research, meeting with
9 DTSC, the Trust and the Park Service, we identified twelve
10 different sites.

11 Next slide.

12 MR. COOPER: And my memory, Bruce, is that
13 the person from St. Louis came and you and that person did
14 a Power Point presentation --

15 MR. HANDEL: Yes.

16 MR. COOPER: -- at that point in time to the
17 RAB saying here's the results of our archive work and this
18 is what we have come up with so far.

19 MR. HANDEL: And especially from that
20 initial presentation, the work that we did collectively
21 with the -- with the DTSC, with our folks, with you, we
22 identified numerous additional sites to look at.

23 I think the archive search report and the
24 presentation was just, you know, there's a couple of sites
25 here we need to look at, but I think through our research,

1 we identified a number of others.

2 MR. COOPER: Right.

3 MR. HANDEL: The investigation work plan, we
4 completed a draft in-house in March 2006. We again sent
5 that document to our center of expertise in Huntsville. We
6 wanted to make sure that we were approaching the project
7 properly, looking at the right analytes, making sure we had
8 the right safety protocols.

9 That work plan was finalized in February of
10 2007, and the overall goal of the work plan was to identify
11 the Inspiration Point site trenches and sample the various
12 sites and inspect all the sites for presence of chemical
13 warfare materials that we could visually observe.

14 Next slide.

15 We essentially located these in four separate
16 areas. One is the Baker Beach study area; another is the
17 Cavalry Stable study area, and though you can't see it --
18 it's hidden by the roads south of the Presidio -- there's
19 the Inspiration Point -- actually, I'm calling it the
20 Inspiration Point site, but in our terminology, it's called
21 the 1918 contonement area.

22 MR. COOPER: And what is a contonement?

23 MR. HANDEL: It's a location where they did
24 training, various training.

25 MR. COOPER: This is what we also call

1 Inspiration Point area. This is the only areas where
2 trenches were found.

3 MR. YOUNGKIN: When you say 1918, does that
4 imply a very short period?

5 MR. HANDEL: That's when I believe it first
6 showed up.

7 So these are a list of the CWM sites. The
8 Inspiration Point or contonement. I like the word
9 Inspiration Point better than contonement. I stick with
10 that.

11 MR. COOPER: Yeah.

12 MR. HANDEL: Baker Beach gas chamber,
13 Battery Chamberlain, Baker Beach training area where they
14 allowed mustard gas to escape. Building 672 gas chamber,
15 670 storeroom, 667 chemical corps, 681, these are all
16 buildings, references to buildings -- chem warfare, Cavalry
17 Stables training area, building 94 CWS warehouse, 219, 222
18 emergency and office.

19 222 is essentially what I gather was that it
20 was an emergency center and office for the chemical warfare
21 folks.

22 Why don't you go ahead to the next slide.

23 Field investigation. Again it consisted of
24 all four areas of the Presidio. The Baker Beach, Cavalry
25 Stables, Main Post and the Inspiration Point.

1 To do the field investigation actually took a
2 few phases, and the first phase was really at Inspiration
3 Point,

4 I'm not sure if you're all familiar with the
5 location, but it's pretty heavily wooded. Some areas,
6 there's numerous vines and blackberries and what not.

7 So one of our goals was to identify all the
8 trenches and fox holes and what we thought potentially were
9 latrine pits, so we had to kind of clear away brush in
10 order to visually identify these locations.

11 So that was really the first phase. It took
12 about two or three weeks, and it involved some machinery
13 and a lot of -- a lot of manpower. There were I think
14 three or four crews at two or three people each cutting
15 down the brush, cutting down the poison ivy, that kind of
16 thing. So we cleared it all out.

17 We then identified all the trenches, brought
18 the DTSC out, the Park Service and the Trust and went
19 through the locations that we found and identified the
20 sample locations.

21 Then we went into the soil sample and wiped
22 sample location phase. The soil samples were collected
23 solely at the Inspiration Point site. There were no wipe
24 samples there. At the various other places, we collected
25 soil and/or wipe samples.

1 Wipe samples were essentially collected
2 inside of a building where there was any residue. It would
3 be on the walls of the building, so we collected wipe
4 samples, and these were the two analytes. They were
5 recommended to us as breakdown products for the mustard.

6 The other potential chemical warfare
7 materials are very volatile and essentially CX said there's
8 no point in trying to sample for that, so we didn't think
9 it was appropriate.

10 Go ahead, next slide.

11 FACILITATOR KERN: Question.

12 MR. HANDEL: I'm sorry.

13 MR. BUDROE: So your archive search
14 indicated that you wouldn't have anything other than
15 potentially phosgene or mustard?

16 MR. HANDEL: Mustard.

17 MR. BUDROE: Like Lewisite?

18 MR. HANDEL: Lewisite and phosgene and
19 mustard were likely the CWS materials that were used here.
20 Our CX told us "you're wasting your time testing for
21 Lewisite and phosgene." So we focused our investigation on
22 mustard products.

23 Other questions?

24 Is this the next slide?

25 MR. COOPER: Did I skip one?

1 MR. HANDEL: We identified all the brush
2 clearing, identified the trenches and fox holes.

3 During the field sample location
4 identification, we realized there were no latrines, so we
5 had a discussion with DTSC and the folks out in the field
6 and we more or less did a modification to the work plan at
7 that time.

8 We collected additional samples and some
9 trenches and some fox holes and we abandoned the notion of
10 digging deep in a -- what we thought may have been a
11 latrine.

12 There were no latrines, so we essentially
13 abandoned that concept and just collected additional soil
14 samples along the trenches and fox holes.

15 MS. NEWTON: Was it easy to see the trenches
16 and fox holes, or was that difficult?

17 MR. HANDEL: Once the -- once the brush was
18 cleared and the vegetation was cleared out of them, they
19 were fairly evident, and I have some photos.

20 MS. NEWTON: Oh, good.

21 MR. HANDEL: Go ahead.

22 This is the area of Inspiration Point and
23 it's referred to as the 1918 West Contonement Trench System
24 in our work plan and report.

25 Inspiration Point I believe sits right where

1 the word "extent of study area" is in kind of the lower
2 left corner of the screen.

3 MR. COOPER: Yeah.

4 MR. BOGGS: Just to the right of it. There
5 you see the outline parking area. Up. Just to the right
6 of where -- to the right of that.

7 MR. COOPER: Oh.

8 FACILITATOR KERN: Keep going.

9 MS. NEWTON: That's the road.

10 MR. BOGGS: Keep going to the right of
11 "extent of study area."

12 MR. COOPER: It's so faint. There's the
13 trail that comes down.

14 MR. HANDEL: Down below to the upper right
15 from that location are essentially homes. In that area.
16 So the -- in the center of that area, you can see the
17 outline of the trenches.

18 MR. COOPER: This is Pop Hicks Field.

19 MS. NEWTON: What is that, Craig?

20 MR. COOPER: Landfill E.

21 MR. HANDEL: The actual trench system was
22 more or less in the center and there's the outline of the
23 trench area, and then we could find additional fox in a few
24 different locations.

25 They're kind of pointed out with some dots.

1 You can see it to the upper left and to the right.

2 So it covered a fairly large area, and we
3 could see some of the activity in the aerial photos, as
4 well.

5 Why don't you go ahead to the next slide.

6 These are our sample locations within the
7 trench system.

8 Go ahead. Next slide.

9 This is how we removed some of the material.
10 This is where the vegetation was very thick, where we had
11 blackberries and lots of poison oak. We just used a small
12 excavator to rip it out.

13 Go ahead. Next slide.

14 There you see it again.

15 Next slide.

16 There's actually two guys clearing some
17 material in a trench there. The trench is about waist deep
18 and it's projected towards you. They're kind of about
19 twenty feet away down the trench.

20 Go ahead.

21 MR. COOPER: Here we go.

22 MR. HANDEL: Here's another area of the
23 trenches. Obviously they've settled in. The edges have
24 kind of collapsed a little bit, but those are about two and
25 a half to three and a half feet deep in that area.

1 Go ahead. Next slide.

2 MR. COOPER: And it's filled in with leaves.

3 MR. HANDEL: Leaves and soil.

4 This is actually the location where we found
5 the case file, right about where that stake in the
6 foreground is.

7 MR. COOPER: Yeah.

8 MR. HANDEL: You can see another stake in
9 the background and the trenches go off in that direction
10 and also they curve around to the left.

11 Go ahead.

12 That's one of the fox holes. It doesn't look
13 like much from there, but essentially it's about a four
14 foot square depression, and obviously the walls have caved
15 in over time. We sampled in a number of these locations.

16 MR. COOPER: Bruce, you might want to -- the
17 Army person that you had, you might want to talk about his
18 qualifications.

19 MR. HANDEL: Sure.

20 MR. COOPER: I can't see his face.

21 MR. HANDEL: That's Terry, Terry Gleason.

22 He's former Army explosive ordinance disposal. They're few
23 and far between in the Army. He ostensibly has the
24 expertise and the training to handle essentially bombs when
25 they're found.

1 So he can identify them, understand how they
2 handle and not to handle them, understand what kind of
3 fuses they would have, that type of thing.

4 So he is our explosives safety specialist.
5 We have two of them in our district. That's a fairly
6 regulated industry. Essentially it's only ex-Army people
7 or Navy people.

8 MR. COOPER: Okay.

9 MR. HANDEL: They are specialists.

10 MS. BLUM: Bruce, is this a fox hole or
11 depression from an explosion?

12 MR. HANDEL: That would be a fox hole. To
13 our knowledge, there were no explosions in this training
14 area.

15 MR. COOPER: That's Bob Boggs there with his
16 poison oak protection.

17 MR. BOGGS: Everything was mapped out and I
18 wanted to snoop around a bit.

19 MR. COOPER: He's wearing the white suit for
20 poison oak protection, not for chemicals going on his skin.

21 MR. YOUNGKIN: This forest was not there at
22 the time.

23 MR. HANDEL: No. It was open.

24 Okay. Baker Beach area, there was a Baker
25 Beach gas chamber. We took a sample out of the gas

1 chamber, although actually I think that gas chamber was no
2 longer present. It's either that one or the Battery
3 Chamberlain. I'm not sure.

4 MR. BOGGS: The Battery Chamberlain was
5 there.

6 MR. HANDEL: The Baker Beach was just a spot
7 on the ground.

8 MR. O'HARA: Bruce, would you qualify what a
9 gas chamber is?

10 MR. HANDEL: Yeah. It's a small enclosure,
11 a room that they would have Army trainees go in. They'd
12 put on gas masks and they'd allow mustard gas to be in the
13 room so they could understand the properties of the gas
14 mask, they'd make them -- as I understand so they could
15 actually understand what mustard gas was like if you
16 breathed it in.

17 MR. O'HARA: What circa was this?

18 MR. HANDEL: This was in the early 1900s.

19 MR. O'HARA: Okay.

20 MR. HANDEL: Late teens, '20s, '30s, that
21 time frame.

22 MR. O'HARA: So the vial, the bottle,
23 whatever was -- was discovered was circa 1925, 26, 27?

24 MR. HANDEL: Correct.

25 MR. O'HARA: Okay. So we're talking ancient

1 history.

2 MR. HANDEL: Pretty much 75 years ago.

3 MR. O'HARA: Thank you.

4 MR. COOPER: This mustard agent, just for
5 the new people, it's most toxic when inhaled. That's when
6 it was used. You need an agent to warm it up, because just
7 at average San Francisco temperatures at 55 degrees
8 Fahrenheit, it's not volatilizing into the air, and so they
9 would have some type of agent with it.

10 Bruce, maybe you can talk about that, some
11 explosive agent with the mustard agent to --

12 MS. NEWTON: That's how they would see it in
13 these trenches?

14 MR. COOPER: No, in warfare.

15 MR. HANDEL: To be honest with you, I'm not
16 well versed as to how it was used.

17 MR. COOPER: Mm-hmm.

18 MR. BOGGS: Actually, the training they did,
19 because it's also a blistering agent, so it had both
20 effects. It's most lethal when you breathe it. You start
21 getting blistered lungs.

22 You're going to have some significant
23 problems, but also if you got it on your skin, it would
24 cause blisters.

25 So some of the training -- in fact, those

1 vials had a liquid agent that was relative dilute was my
2 understanding from the ASR.

3 So they'd actually do things like put it on a
4 sleeve and decontaminate, et cetera, and they had the gas
5 ampules that it was mixed with an agent that would
6 volatilize it, which isn't what we found, but those were
7 used in training that would just have a volatile component
8 to it, and what we found is one of the liquid -- you would
9 still be able to smell it, people would learn what it
10 smelled like, et cetera and still have that exposure, but
11 it really wasn't lethal.

12 MS. NEWTON: You didn't find it with the
13 heat agent or whatever that was that was going to ignite
14 it?

15 MR. BOGGS: , Correct.

16 MR. HANDEL: No.

17 MR. BOGGS: It was a training.

18 MR. HANDEL: The bottles's no taller than
19 three inches, three and a half inches.

20 MR. COOPER: Right. Are you done with this
21 slide?

22 MR. HANDEL: This kind of lists where we
23 took soil samples and wipe samples, and then again we
24 inspected each of the areas for visual presence of CWM
25 materials at the Baker Beach area.

1 Go ahead.

2 This is the map of the Baker Beach area. The
3 -- on the left side is essentially -- the extent of the
4 study area is right at the top. Kind of parking in the --
5 in the Battery Chamberlain to the lower section and then we
6 collected a couple soil samples at random locations outside
7 the Battery Chamberlain.

8 MR. COOPER: Are people familiar where
9 Battery Chamberlain is? When you go down to Baker
10 Beach --

11 MR. HANDEL: Why don't you hit the next
12 slide.

13 That's the photograph of it. We're
14 collecting our soil sample there. The wipe samples were
15 taken inside.

16 MR. COOPER: Yeah.

17 MS. NEWTON: You just wipe the wall?

18 MR. HANDEL: Yeah. We take -- it's a little
19 more scientific than that. They have a specific amount of
20 area that they basically put a patch on the wall and we
21 have a -- it's like a material that's soaked in some kind
22 of a solvent and they wipe the area a certain way and put
23 it in a glass jar, seal it up and then it's sent to the
24 laboratory.

25 MS. NEWTON: Mm-hmm.

1 MR. HANDEL: And then the Cavalry Stables
2 area. There was another gas chamber there, and I think
3 that location was gone, so we collected a soil sample
4 there.

5 I believe 681 was still present, so we
6 collected two wipe samples inside. Same is true for the
7 storeroom, and then there was a training area reported
8 there, so we collected two soil samples there, as well,
9 again inspected locations for CWM materials.

10 Go ahead.

11 And there's the various locations. 681 is
12 the lower left; 672, which is no longer present was the gas
13 chamber there in the center, and then the chemical corps,
14 867 if my eyes are right.

15 MR. COOPER: 667.

16 MR. HANDEL: My eyes are not right.

17 I think that was the Cavalry Stable buildings
18 that still exists, and then 670 storeroom where we took --
19 is that two soil samples? Can you back up one?

20 MR. NARALA: Yes. Wipe.

21 MR. HANDEL: Wipe sample. So there is --
22 that's an existing building.

23 Go ahead. Next slide.

24 And that's just sampling some of the soil in
25 the training area, and that's one of our other safety

1 specialists, Tom Knapp.

2 You can see the thing he has in his left --
3 or right hand, that long yellow thing, that's the favorite
4 tool of an OE safety specialist.

5 Essentially it's a magnetometer. That's what
6 they use to kind of clear an area to allow you to dig if
7 they get a ring off that indicates there's metal there.

8 So without knowing exactly what it is, they
9 tend to have you move somewhere else. So it's -- they'll
10 always have them with them when they're on-site.

11 Go ahead.

12 There's a picture of them taking the wipe
13 sample. You can see the square shield that they place over
14 the wall and then the certain area in the middle is
15 actually what they wipe with. Jennifer's holding the
16 material she wipes with in her hand there.

17 Okay. And then the Main Post area. Two soil
18 samples at two locations and then two wipe samples in
19 building 222.

20 And there's the locations of those buildings.
21 I believe -- is that Halleck Street going down at an angle?

22 MR. COOPER: Yeah. That's the Main Post.
23 So this is Brown Street and the Trust headquarters building
24 there. This is the big parade ground.

25 MR. HANDEL: So 94 is gone?

1 MR. COOPER: It's still there.

2 MR. HANDEL: It is?

3 MR. COOPER: We are a weird looking brick
4 building, yeah. This building is --

5 MR. HANDEL: Gone.

6 MR. COOPER: -- gone, yeah.

7 MR. HANDEL: That was the fire station
8 headquarters.

9 MR. COOPER: This is the fire station here
10 and this is just grass.

11 MR. HANDEL: That's just open grass at this
12 point.

13 MR. COOPER: This building is still here,
14 building 22. Fill site 6A is right here.

15 MR. HANDEL: So all these various buildings
16 and locations again were referenced in various places of
17 the archive search report and there were links to chemical
18 warfare material. So that's how we identified of list of
19 locations to sample.

20 MS. NEWTON: Inspiration Point was one of
21 those sites?

22 MR. HANDEL: Yes. Inspiration Point was the
23 one that essentially kicked this whole effort off because
24 the vial was down there.

25 MS. NEWTON: That was one of the sites

1 identified.

2 MR. HANDEL: One of the twelve.

3 MR. O'HARA: Bruce, just so I have an idea
4 of what the dynamic was here, you discovered a mustard gas
5 bottle and then went through this entire protocol.

6 MR. HANDEL: Mm-hmm.

7 MR. O'HARA: Was mustard gas the only thing
8 that you were looking for or were you looking for all of
9 the chemical warfare materials that could have been stored
10 here?

11 MR. HANDEL: In terms of chemical analytes,
12 we only looked for mustard agent breakdown products.

13 In terms of other various materials, it might
14 indicate like a physical thing. Our staff looked
15 at -- looked for anything and everything that could have
16 been a container, something that would indicate that
17 chemical warfare materials may have been present.

18 MR. O'HARA: Well, maybe I've asked the
19 question incorrectly. Is -- was mustard gas the only
20 chemical warfare agent that was stored on that Presidio or
21 were there other chemical warfare materials that were
22 stored here but have -- were not discovered and did you
23 test for those materials at the same time that you were
24 testing for the analytes of the mustard gas?

25 MR. HANDEL: It was likely that some other

1 chemical warfare materials were stored there. We didn't
2 observe -- well, yes, it's likely they were stored here
3 along with mustard gas.

4 Mustard gas -- mustard was the primary
5 chemical warfare material utilized here, and as I mentioned
6 earlier, based on the input from our center of expertise,
7 presence of phosgene or Lewisite, sampling for that
8 wouldn't have resulted in any detections as those products
9 are highly volatile. They wouldn't have been present in
10 the soil at this point.

11 So they essentially ruled out analyzing for
12 those, for those products here.

13 MR. O'HARA: The only reason -- the only
14 thing that prompts this question is if tomorrow somebody
15 stumbles across a 75-year-old sample or bottle or canister
16 or whatever of some other agent, do you have to go through
17 another five-year process?

18 MR. HANDEL: Well --

19 MR. BOGGS: Let me add a little information
20 here that might be a disconnect.

21 MR. HANDEL: No.

22 MR. BOGGS: You're talking about the
23 sampling effort. You're talking about the middle step.
24 The middle step is the archive search report.

25 Based on the archive search report, they

1 looked at not only mustard, Lewisite, phosgene. They
2 looked at sarin gas, nerve agents.

3 They didn't find any records of those kind of
4 nerve agents or anything other than mustard agent and the
5 ones that were mentioned.

6 So they found records of those. They found
7 almost like evidence to the contrary, that they wouldn't
8 have had the nerve agents or other things.

9 They also even looked at explosive ordinance
10 in their archives material and they didn't find any
11 information to indicate that any of those other things were
12 ever here.

13 Lots of information indicating mustard,
14 Lewisite and phosgene were here and were used in training.

15 So they then took that information and
16 developed the sampling report. So they only sampled for
17 those things. They didn't sample for the nerve agents
18 because they didn't find any records that indicated they
19 would have been here.

20 MR. O'HARA: Okay. Thank you. That answers
21 it.

22 MR. HANDEL: All the locations that we
23 sampled, these were locations where there were any
24 references to chemical warfare materials, whether it be
25 storage, office, training or what have you, and all of the

1 areas were, you know, looked at fairly carefully.

2 MR. O'HARA: Thank you very much.

3 MR. HANDEL: Any other --

4 MR. CHESTER: I might follow up on that.

5 You might have touched on it.

6 The -- I guess it would be the relative
7 toxicity of this agent known mustard material.

8 What would be the perceived risk? Is it as
9 volatile -- it sounds like it's not volatile, but in terms
10 of when it breaks down, is there an acute toxicity if
11 someone came across it?

12 MR. HANDEL: I don't know the -- the
13 toxicity, the relative toxicity of it offhand. I honestly
14 don't.

15 I would guess that it's in our -- in our
16 proceeding documents.

17 MR. CHESTER: Mm-hmm.

18 MR. BOGGS: The dioxin that they were
19 sampling for as a breakdown product has a relative -- I
20 mean, we have other things at the Presidio that are
21 considerably more toxic. It's just mildly toxic.

22 The mustard agent itself, we found that, and
23 of course that's acutely toxic. You breathe too much,
24 you'll have problems.

25 MR. CHESTER: Like a sealed container of

1 mustard 75 years old.

2 MR. BOGGS: If it were material sealed, it
3 could be very close, yes.

4 MR. COOPER: I think that's an important
5 point is that even though, you know, we found this one
6 bottle and we've done this investigation through the
7 Army -- through the Army's work, any time Mark's phase crew
8 or Park Service crew now being into areas to pull out
9 vegetation that hasn't been touched in a long time, you
10 know, heavy ivy, heavy brush areas, they have been well-
11 versed now in unknown objects, you know, identification
12 training, UXO identification training.

13 We're a lot smarter now about staying away
14 from, you know, cute antique bottles, so -- and
15 hopefully -- it's just a matter of keeping reminding people
16 year after year after year because there's always new
17 people that get hired and things like that that may not be
18 so sensitive to the incident that we had in 2002, you know.
19 People that were around, we remember it.

20 If I ever found one, I wouldn't get near it.
21 If I thought there was -- there could be some residue
22 inside.

23 MS. NEWTON: But you feel pretty confident
24 that the archives have disclosed the places that this stuff
25 would have been?

1 MR. COOPER: Yeah. The archive search
2 report was really a best effort on the part of the Army
3 Corps of Engineers.

4 The archives, we can talk about that. It
5 wasn't all in the Presidio archives. They had to study
6 archives basically nationwide. Because a lot of Army
7 records, even Presidio records had gotten scattered into
8 different locations.

9 And so we really believe best efforts were
10 done to collect the information, the historic information
11 to frame this investigation the best we can.

12 Is it a hundred percent? No, you know.
13 Absolutely not, and we're not pretending to have that
14 fantasy that we have now cleared the Presidio, you know,
15 one hundred percent of potential mustard agent bottle that
16 could be sitting out there in some brush. It could still
17 happen.

18 That's why we -- this type of work has to be
19 paired with this type of safety training for our workers.

20 MR. CHESTER: So in terms of deed
21 restrictions or future redevelopment sites -- I don't know
22 if there are, but would a future worker, developer,
23 redeveloper be aware that this is an area where these
24 things were found, but then subsequently, you know, semi-
25 cleared?

1 MR. COOPER: The only place where it was
2 found was just at the trenches at the Inspiration Point
3 site. All the other -- well, I'm getting into Bruce's
4 punch line here.

5 MR. HANDEL: I'll kind of take it from here.

6 MR. CHESTER: Does anybody know in the
7 future if they're going to build a building at any of these
8 sites where it was cleared or investigated? Does that go
9 into the future record of --

10 MR. HANDEL: I can't speak for that.

11 MR. CHESTER: -- earth moving activity?

12 MR. HANDEL: By the headquarters building,
13 it's pretty unlikely in the future they're going to put a
14 building there. Probably true for the Cavalry Stables.

15 You can't predict any and all of the sites,
16 but this was a best effort looking at all the information,
17 all the research to say where's the possibility that any of
18 these things may be present.

19 So we looked at all the possibilities, all
20 the sites where there may or may not be presence of
21 chemical warfare material.

22 So we didn't narrow it down. We looked at
23 any location that said there may be something associated
24 here with CWM, even if it was just an office.

25 MR. COOPER: Right.

1 MS. BLUM: Craig, don't you regularly have
2 your contractors be alert that there may be some strange
3 efforts and they're to stop work until someone takes a
4 look?

5 MR. COOPER: Absolutely. For example, at
6 Baker Beach 1, which we're going to talk about, there was a
7 very thorough training process for our contractors, as
8 well.

9 And I think your question. Are we
10 telling -- if somebody moved into building 94, for
11 example --

12 MR. CHESTER: And wanted to dig down.

13 MR. COOPER: We tell them --

14 MR. CHESTER: Where the warfare trenches --
15 training trenches, you didn't dig the whole thing up.

16 MR. COOPER: That's going to explain open
17 space.

18 Mark Frey will maybe talk about next steps of
19 at least where the bottle was found. That is going to be
20 remaining open space.

21 In fact, the trenches are still under
22 consideration for Historic Preservation Act, you know,
23 protection.

24 MR. BOGGS: Actually, just to add to that,
25 basically it would be my agency requiring some sort of deed

1 restriction.

2 The way the preliminary discussions have gone
3 -- and it is going to go up the level of
4 management -- is that if nothing tests -- nothing tests out
5 for any of the other buildings, et cetera, we wouldn't have
6 any deed restrictions. We don't have a highly suspect
7 situation.

8 There's still question about the trench area,
9 whether it would contain some sort of conditional use
10 restriction; i.e. as part of a development process, if they
11 wanted to develop the site, they would have to go about the
12 initial grading of the site, et cetera and process probably
13 in coordination with the Army Corps of Engineers to just
14 further evaluate so that people don't go walk in there
15 blindly kind of like Baker Beach 1.

16 They're briefed on potential hazards, and
17 that's something they'd want a contractor to know about
18 before just going in there and plowing away, just to at
19 least have that notification and that disclosure for that
20 particular area.

21 MR. CHESTER: Mm-hmm.

22 MR. O'HARA: Sort of like a mine field.

23 MR. BOGGS: Exactly. We can't do a hundred
24 percent clearance.

25 MR. COOPER: Right.

1 MR. BOGGS: The Army's done a best -- a very
2 good effort with the archive search report, followed up on
3 the search report, got input from the concerned agencies,
4 the Trust and the Park Service.

5 I mean, the initial list of sites was much
6 smaller, but based on that ASR, we added sites, the Army
7 agreed and followed up and sampled them.

8 Some of them were relatively low-risk sites.
9 The potential was really low, but we went out there and did
10 a --

11 MR. COOPER: Just for your information, all
12 this work that the Army did, either Bob, Brian and I were
13 there at some point in time. All the wipe sampling, I was
14 there to witness every single wipe sample that was taken,
15 so --

16 MR. HANDEL: Yeah.

17 MR. COOPER: I was there for a lot of the
18 trench work. I got in there and followed them around. I
19 stayed out of there because of the poison oak situation.

20 MR. HANDEL: All the work under the work
21 plan was based on a DTSC approved work plan.

22 MR. COOPER: Go ahead.

23 MR. HANDEL: So sampling results. We found
24 no chemical warfare CAIS or CAIS materials observed at any
25 of the twelve locations.

1 All the soil samples that were collected were
2 non-detect for the analytes. All wipe samples were
3 non-detect for the analytes at all locations.

4 Essentially we turned up no physical presence
5 of CWM or CAIS materials and no chemical data to identify
6 there was a concern at any of the locations.

7 So in terms of a summary, we have no chemical
8 evidence of mustard breakdown products observed in soil and
9 no CWM or other CAIS materials identified during visual
10 inspections at all sites.

11 So our recommendation is that the potential
12 for encountering CWM or CAIS materials at all twelve sites
13 to be considered a low probability with no further action.

14 We recommend the removal of the fence at the
15 Inspiration Point trench and fox hole area, and lastly we
16 will resolve the remaining comments from DTSC on ASR.

17 When they provided us comments on our
18 investigation work plan, they included a number of comments
19 on the ASR. We requested that we defer those comments so
20 we can move forward with the investigation work plan, and
21 they agreed to that.

22 I want to go back to the first bullet where
23 it says "low probability." When the Army looks at chemical
24 warfare materials or UXO or essentially leftover bombs,
25 they approach it as a probability.

1 When it's a high probability, they'll be
2 present, a moderate probability or a low probability, and
3 then also they take into consideration the type of material
4 present, whether it would cause a high risk or low risk.

5 A high risk would be if it were several old
6 bombs that were -- that contained explosive material. That
7 would be a very high risk, whereas perhaps a -- a small
8 fuse might be considered a low risk item.

9 So it looks at both the risk to cause harm
10 and the risk -- the probability that there's a lot of it
11 there, a little bit of it there or a low probability's is
12 it's unlikely you'll find it.

13 So based on our investigations, we consider
14 it to be a low probability of encountering CWM or CWM
15 materials here at these sites.

16 MR. COOPER: And you are preparing a
17 completion report?

18 MR. HANDEL: Yes. We -- well, I have a
19 draft, an internal draft at my office. It's going through
20 an internal review. Then it will become a draft for our
21 center of expertise in Huntsville.

22 We'll send it down there, make sure they
23 concur with our -- our process results and recommendations,
24 and then it will be forwarded to the Trust and DTSC for
25 their concurrence.

1 I suspect DTSC will see it possibly late
2 September, but most likely mid-October.

3 MR. COOPER: Late September to mid-October.

4 MR. HANDEL: Correct.

5 MR. COOPER: Okay.

6 FACILITATOR KERN: Bruce, on the archive
7 search report, can I throw a question your way on that?

8 MR. HANDEL: I may not be able to answer,
9 but go ahead.

10 FACILITATOR KERN: Well -- and I understand
11 that, but there's -- there's an image that is still in my
12 mind from looking at it and some of the other members may
13 remember near the beginning, there was this explosion photo
14 on Baker Beach.

15 For some reason, that really stuck with me,
16 and I know that we commented on that.

17 MR. COOPER: Mm-hmm.

18 FACILITATOR KERN: And it always seemed one
19 response could be due to some sort of sweep or magnetometer
20 survey or something on Baker Beach just to make sure that
21 we don't really know what those exercises were, whether
22 they were -- I don't recall what they were.

23 Any thoughts about that where that is in the
24 process or do you recall any of them?

25 MR. HANDEL: I don't recall specifically and

1 I don't know if DTSC made a specific comment on that.

2 MR. BOGGS: I think with this last bullet,
3 we did make some specific comments. There was a lot of
4 smoke bomb training that went on. They actually did some
5 scientific studies here on use of smoke bombs and the
6 probability of hitting an object through or out of a smoke
7 area.

8 MS. NEWTON: In the same time period, Bob or
9 later?

10 MR. BOGGS: Probably. That whole -- I mean,
11 it was in the highly active period of the Presidio where
12 they did the various trainings, whether it was for the
13 chemical materials or the smoke bomb training, and so the
14 incendiary devices, they basically deferred the questions
15 and comments about that because it's not a true chemical
16 warfare material.

17 FACILITATOR KERN: Right.

18 MR. BOGGS: -- until at this point.

19 MR. HANDEL: We basically deferred
20 responding to his comments in an effort to keep the
21 investigation on track.

22 And really, you know, what drove that was
23 several things. The interest of the local community to
24 have that area opened up. We had to time it -- time the
25 work very carefully because of the bird nesting season.

1 We actually got in there just -- just before
2 bird nesting season started to do the vegetation removal.

3 Other questions?

4 FACILITATOR KERN: Well, so that's still got
5 a place holder and it will still be pursued at some point.

6 MR. BOGGS: Right.

7 MR. HANDEL: To be determined.

8 MR. BOGGS: I anticipate there will be an
9 investigation of those type materials. To what extent,
10 whether it's like, you know, some of this was just visual
11 investigations versus chemical sampling.

12 We had concerns with -- some of those things
13 had a lot of things in them. They're not human health
14 concerns at the levels we're talking about, not even close
15 to human health concerns, but our ecological levels were
16 just thousands of times lower, so there may be a concern
17 there.

18 MR. COOPER: We're one at Baker Beach and
19 one -- I think we caught the photo. It looked like
20 Infantry Terrace was in the background and they were
21 keeping -- it looked like a big firework, one of those
22 things that shoot up like a --

23 MS. NEWTON: Roman candle.

24 MR. COOPER: Exactly that.

25 FACILITATOR KERN: I was wondering whether

1 there might be any connection between those studies and the
2 as yet to be investigated slag site out on Baker Beach.

3 MR. COOPER: I don't think so. We haven't
4 quite, you know, started a chemical analysis of the slag.

5 FACILITATOR KERN: Well, that's what --
6 that's why I'm saying.

7 MR. COOPER: Oh.

8 FACILITATOR KERN: We don't know all the
9 activities yet. Maybe it was dumped from some activity one
10 day off to the site. I don't know.

11 I mean --

12 MR. COOPER: Good point.

13 FACILITATOR KERN: -- we had incinerators,
14 gas chambers, all sorts of things that were appropriate at
15 the time.

16 MR. COOPER: We haven't started to put
17 together the field sampling plan for the slag site, but I
18 don't think anyone has connected the dots between the
19 training corps and those things. That will be something
20 for us to think about.

21 FACILITATOR KERN: Well, I appreciate very
22 much your coming tonight and telling us about this.

23 MR. HANDEL: Sure. Any other questions? I
24 don't come here often, so ask away.

25 MR. COOPER: Just -- that's why I'm asking

1 about your completion report. The Trust is going to review
2 and study it very carefully, and if they're comfortable
3 with the final results -- I'm pretty comfortable with
4 things so far because we've been
5 staying -- we just didn't let them run off and do their own
6 thing and let them write their completion report. We've
7 been staying with the Army every step of the way.

8 I'm going to look over the completion report,
9 check in with Bob. If Bob is feeling good about it, as
10 well, I'd like to write a letter to say we are going to,
11 you know, take down or modify portions of the fence, and I
12 think some of the fence might stay because we might use it
13 for resource protection when we finish the brush removal
14 and the vegetation completion, revegetation work there.

15 I've been working with Mark Frey as far as
16 thinking that through about his timing for that. I think,
17 Mark, you would like to do it this winter?

18 MR. FREY: Yeah. We have plans requested
19 for not this winter, but the following winter. We're
20 anticipating getting total approval for the work in there,
21 weed removal and then planting in the next eighteen months.

22 MR. COOPER: Like I mentioned, the -- I
23 notice that the Trust archaeological department has put out
24 a message to colleagues regarding what status these
25 trenches should have.

1 As you can see, some are still very
2 pronounced and in pretty good -- are still definitely still
3 there. So they they're trying to figure out what status
4 those trenches would have under the National Historic
5 Preservation Act.

6 MS. NEWTON: They'll be covered over pretty
7 quickly.

8 MR. COOPER: Already blackberries are
9 shooting through this. Mark doesn't want blackberry
10 growing in that area, anyway, I'm assuming.

11 MR. FREY: The non-native we'll be removing
12 for sure. The native we'll be leaving in most of those
13 areas. Some of those areas will be transitioning to
14 serpentine grasslands.

15 MR. COOPER: So if those trenches are going
16 to have some form of protected status or maybe not even
17 protected status, but maybe the Trust on their own would
18 still want to do some interpretation around the trenches,
19 you know, and some signage of some type, you know, the
20 vegetation would need to be kept clear out of them because
21 you're right. They fill in the -- blackberry and stuff,
22 weeds grow really quickly in there.

23 MR. FREY: I have a historic update from
24 Sandy if you want to hear it.

25 MR. COOPER: Good.

1 MR. FREY: The archeologists and the federal
2 preservation officer reviewed the records that are
3 available for these trenches and determined that as of
4 right now, they do not qualify as historic structures.

5 MR. COOPER: Oh.

6 MR. FREY: But this year, in the next twelve
7 months, there's going to be a review, sort of an updating
8 of historic significance on the Presidio, which will almost
9 definitely move up the date for the period of significance,
10 so that it will probably include these items, but it's not
11 clear yet.

12 FACILITATOR KERN: I guess one final
13 question since you mentioned you're here and we don't get
14 to see you very often is -- and for all the regulators and
15 Brian, I mean, do you feel with all the -- I guess the
16 question that needs to be asked.

17 Is this area safe, in your opinion? Could we
18 open it up to the public and no problem?

19 MR. HANDEL: The Inspiration Point site?
20 Yes. That's our recommendation, as well as any of the
21 other sites.

22 MS. NEWTON: Have you found this type of
23 evidence, the mustard gas in any other bases in the United
24 States?

25 MR. HANDEL: Oh, sure. Well, what comes to

1 mind is Santa Rosa Naval Auxiliary Air Field. It was an
2 old air field in Santa Rosa. There was a number of ampules
3 of agent there.

4 So yeah, there -- it's -- at times, you
5 can find them. You know, essentially it's poor practice.
6 In this case, at the Presidio, it was -- it was a soldier
7 throwing it on the ground and not bringing it back when he
8 was supposed to. In some cases, it was purposeful burials.

9 One of the sites I worked on for several
10 years, Dugway Proving Around. It's very well-known that
11 the Army dug numerous trenches and dumped A to Z in the
12 trenches.

13 MS. NEWTON: So this was a disposal action,
14 not a storage action.

15 MR. HANDEL: Correct. So yeah, where we do
16 another one --

17 MS. NEWTON: How do you know that? Did you
18 find -- was that documented?

19 MR. HANDEL: There's some records. You do
20 site visits. Every Army installation and former Army
21 installation is undergoing an environmental cleanup
22 program.

23 MS. NEWTON: But, I mean, if somebody had
24 that kind of a disposal area, that would probably have been
25 documented.

1 MR. HANDEL: Sometimes yes, sometimes no.
2 Sometimes we suspect it. We go to an area, location and we
3 see subsidence, so we think well, there might be something
4 there. So we get a geophysical survey and we look at it
5 that way first.

6 MS. NEWTON: Were any of the areas as large
7 as the Presidio?

8 MR. HANDEL: Yeah. Some were larger.
9 Dugway Proving Ground is probably the size of from here to
10 San Jose, to be honest.

11 MR. COOPER: So the best theory as far as
12 what happened at our -- in the Presidio site, you know,
13 based on -- now that everyone's done their investigation,
14 we don't see any evidence of wholesale disposal of boxes of
15 these bottles --

16 MR. HANDEL: Correct.

17 MR. COOPER: -- buried in the ground.

18 The best theory as far as -- and I'm pretty
19 sure it was three bottles. One was open. The other two,
20 the lids were on, but that's my memory, at least, was there
21 -- was training going on there and that the soldier at the
22 time, it was bad management practice.

23 MR. HANDEL: Soldier trash.

24 MR. COOPER: It got thrown on the ground
25 instead of collected and taken away as they should.

1 MS. NEWTON: Which is a good thing. It
2 wasn't a disposal area. It wasn't anything -- it wasn't
3 done on purpose and hopefully --

4 MR. HANDEL: But in terms of all the other
5 different installations, sometimes it's -- more often than
6 not, it's a, you know, soldier doing something he wasn't
7 supposed to be doing, but there are times when the sergeant
8 said, "Get rid of that stuff."

9 MS. CHEEVER: Thinking of that, I think the
10 public would appreciate the research, but I also think they
11 would be glad to see the fence taken down as expeditiously
12 as possible if it's considered safe.

13 MR. COOPER: I feel good so far. I'm going
14 to read the completion report. As you know, people have
15 been calling, a couple people that live in the Richmond
16 District who are just very upset that the fence went up in
17 the first place.

18 MS. NEWTON: How long has it been up?

19 MS. MONAGHAN: Five years.

20 MR. COOPER: Five years. We'll go going on
21 our fifth anniversary this November, probably.

22 You know, again, I'm going to -- I'll
23 probably write a letter. I don't know what DTSC's process
24 is going to be. I'll probably write a letter to DTSC
25 saying: "I've read the completion report. I feel

1 comfortable with it."

2 I'm going to recommend taking the fence down
3 and maybe making this area available to the public for the
4 uses in that -- that are consistent with that area, which
5 is basically trail walking and just walking around in the
6 redwood grove and things like that, and then I'll talk to
7 Bob.

8 If they want the land use control for that,
9 which seems to be pretty reasonable.

10 We have no plans to bulldoze that area and
11 start building foundations and stuff like that, but to me,
12 that would make sense that we would have an extra layer
13 of --

14 MR. BOGGS: It's one of those things that
15 you would call a LUN, to kind of consider synonyms, a Land
16 Use Notification rather than a Land Use Covenant. Not that
17 we necessarily would want to -- this is the thinking at
18 this point.

19 MR. COOPER: Mm-hmm.

20 MR. BOGGS: And my boss' boss will make the
21 overall decision, but they're thing because you have this
22 process in -- being put in place to have these land use
23 controls and notices is to have this particular site in
24 your document so that when we go through your NEPA process,
25 whoever might do work there in the future knows we did

1 discover thing.

2 MR. COOPER: It's like our institutional
3 memory, and I believe you GPS'd all the trenches and the
4 fox holes.

5 So we'll have actual coordinate information,
6 and so this is a way for us to forever remember that there
7 was once a fox hole at this place, and if for some reason
8 we want to build a building there fifty years from now,
9 then those people fifty years from now will know well,
10 we're building a foundation over a fox hole now and what
11 would make sense as far as doing a little additional safety
12 work in advance?

13 MS. NEWTON: Will the community care about
14 the safety of it when the fence is taken down? I know they
15 want it down. Will they need to have any explanation as to
16 why it's safe to go in there?

17 MR. COOPER: That's a good question. I'll
18 talk to my public affairs person, because we did put up a
19 lot of signage when the fence went out.

20 Now five years later, I'm sure people don't
21 notice that the signs are there, anything like that.

22 Any advice from you guys as far as
23 whether --

24 MS. CHEEVER: How about sort of a user
25 friendly sign that says in a non-scary way "this is where

1 this was found. The Army conducted a thorough
2 investigation, but if you happen to find a bottle, please
3 notify us."

4 MS. NEWTON: I think that would be nice.

5 MR. YOUNGKIN: Maybe leave some corner posts
6 out to sort of outline the area so that you can actually
7 keep track of it.

8 MR. COOPER: Well, as it turns out, the
9 actual fence -- we did our best guess work. We put up a
10 fence really fast and it's not even one hundred percent
11 perfect.

12 So --

13 MS. BLUM: I think it's already been
14 violated by -- somebody must be living in there because you
15 can get in there really easily.

16 MR. COOPER: Yeah.

17 MS. BLUM: Once you take the fence down --

18 MR. COOPER: It's been a little bit of a
19 homeless sleeping area. Bruce and I and Bob, we ran into a
20 homeless person sleeping inside -- they climbed over the
21 fence.

22 FACILITATOR KERN: I probably -- even though
23 this is an important part of the study, we have a few other
24 things we need to cover tonight, so probably having a
25 brainstorming session about what to do in the future is not

1 really what we should do.

2 But are there any other things that we need
3 to ask Bruce while he's here?

4 Then I think it would be good if we took
5 maybe a five-minute break and then set up with our next
6 presentation.

7 Thanks very much, Bruce.

8 MR. HANDEL: You're welcome.

9 (Recess taken).

10 FACILITATOR KERN: We now have an
11 opportunity to listen to Craig. We don't have a lot of
12 time, but I don't think we even have time for the financial
13 part,

14 MR. COOPER: Absolutely. What I'm going to
15 do -- well, unfortunately, I was not able to print out this
16 particular presentation, so -- but I was able to print out
17 the financial information.

18 So I'm going to go through the project -- the
19 financial stuff at the very end, and so I'm going to go
20 through the project stuff really fast, and I don't think
21 anyone's going to complain about that, but if you would
22 like a hard copy -- but I am going to be going slough
23 slides that you don't have a hard copy on.

24 So if you'd like a hard copy, let me know. I
25 can probably e-mail this out. I can put it on the Web

1 library, but anyway, I'll do an e-mail just to make sure
2 that people can get a hard copy of this presentation. I'll
3 figure out how to get that to you. There's photos in it so
4 that pretty heavy.

5 Then when you get to the financial stuff,
6 I'll do a handout and we can ask more questions on that.

7 So this is just our CERCLA sites. Our RAP 1
8 sites are in regular groundwater monitoring mode. Our RAP
9 2 sites, CERCLA sites are in groundwater monitoring, as
10 well. There's fill site 6A. Baker Beach 3.

11 FACILITATOR KERN: Has that been
12 regulatorily closed out?

13 MR. COOPER: None of the RAP sites have been
14 fully -- we've sent in completion reports on all the RAP1
15 and all the RAP2 sites now, but they have not been
16 regulatory closed out, no.

17 RAP3 sites, we signed the RAP. I just -- I
18 only do this every quarter now, so I was looking at what we
19 did.

20 Last time we did a presentation, we talked
21 about the RAP3 tour for RAB members, which we did do that.
22 We went to several RAP3 sites, but we kind of ran out of
23 time.

24 So if we wanted to kind of look at some more
25 RAP3 sites, we could do that or we could wait until those

1 sites get closer to construction. You guys can decide that
2 later.

3 I've got some pictures at Baker Beach 1, got
4 some photos. The excavation work has begun, and we got
5 DTSC's concurrence to start excavation. It's been great.
6 Bob and George Ford and Brian have been working very hard
7 on getting the last of the design submittals into DTSC and
8 getting the proper information in DTSC's hands for them to
9 be comfortable for us to begin work and now work has gone,
10 and those public outreach people from the Conservancy that
11 you met, they're doing their work and everything is
12 underway, and we got some photos of the work.

13 So the -- the upper reaches -- this is from
14 Baker Beach 1, and the upper reaches of the site, we are
15 using a long-armed excavator to do -- to do the excavation
16 and to stockpile it up on the -- on the top bluffs, so --

17 MR. NARALA: Those are green?

18 MR. COOPER: I got the conveyors.

19 MS. NEWTON: This is the top, but everything
20 else is going down.

21 MR. ULLENSVANG: Everything's going up.

22 MS. NEWTON: On the conveyor.

23 MR. COOPER: I've got some pictures. The
24 conveyors haven't been used yet. They've been tested, but
25 they haven't been used yet to move waste up yet. The

1 excavators dig, dumps it up here. This boulder is just
2 pushing it into a nice stockpile.

3 MR. ULLENSVANG: And carrying it out
4 Merchant Road.

5 FACILITATOR KERN: Are you finding rubble or
6 just dirt?

7 MR. COOPER: I don't know enough.

8 MR. ULLENSVANG: There's rubble. They
9 actually have a pit on the top that was full of concrete
10 rubble. The waste had a high percentage of soil in it.
11 It's not soil, but there's bottles, dishware.

12 FACILITATOR KERN: Oh, really? So it's not
13 just incinerator waste.

14 MR. ULLENSVANG: There's lots of stuff.
15 They did find ash. There are clear layers of ash up there,
16 ash from the incinerator.

17 FACILITATOR KERN: It's too bad Bruce wasn't
18 here, but in the days when the Army was here and they had
19 renamed these sites -- we found in the reports where they
20 were called landfills and the Army renamed them disturbed
21 areas, but indeed this is the first actual proof that they
22 were just purely dumping over the cliff.

23 MR. ULLENSVANG: Mm-hmm.

24 MS. BLUM: One of the volunteers at the
25 nursery had a picture that was taken from the '60s of a man

1 back his truck up to the cliff and dumping mattresses.

2 MR. YOUNGKIN: How far do these things
3 reach?

4 MR. ULLENSVANG: A long ways.

5 MR. BOGGS: They're the longest reach
6 excavators I've ever seen.

7 FACILITATOR KERN: Almost all the way down
8 the hill.

9 MR. BOGGS: He's reaching down and just
10 scooping it up, dumping it up here and the other guy's
11 reaching down and --

12 MR. COOPER: Yep. So it's almost a la Baker
13 Beach 3. Remember we kind of moved it up and for someone
14 else to move it up further.

15 My understanding is they built these little
16 benches for the long Army excavators. Just spinning it
17 around and dumping it to dig and then spin around and move
18 up here.

19 FACILITATOR KERN: What about the spiders?

20 MS. NEWTON: Where are they?

21 MR. ULLENSVANG: This is more productive
22 than the spiders. If they need to use it, they will.

23 MR. COOPER: Right.

24 MR. ULLENSVANG: Off to the lower left
25 corner, out of the picture is where they'll first start

1 using the spiders. They're getting set up today.

2 MS. NEWTON: Those guys are going to work
3 from the top down, right? Wherever they start, they're
4 going to go down.

5 MR. ULLENSVANG: All the work is coming
6 down. It's a little bit hard to tell. It won't be
7 completely clean even as they move down. They just need to
8 pull the weight off so it doesn't get undermined.

9 MR. BOGGS: I think they're going to be
10 keeping those further down the hill.

11 MR. COOPER: So here's the stockpile on top
12 of the bluff before it gets picked up and moved closer to
13 Merchant Road.

14 MR. YOUNGKIN: Was there a parking lot there
15 before?

16 MR. ULLENSVANG: This is the open area
17 between the two batteries. It has some concrete rubble.

18 MR. COOPER: This is where we'd stand. We'd
19 walk right there. The wind would blow.

20 MR. YOUNGKIN: That's the Civil War area.

21 MR. COOPER: And the battery is -- yeah,
22 right -- right here.

23 MS. NEWTON: And that's the conveyor belt
24 right there.

25 MR. ULLENSVANG: Yeah.

1 MS. BLUM: What is that machine?

2 MR. COOPER: That's a spider excavator.

3 MS. BLUM: That's a spider.

4 MR. ULLENSVANG: They have two out there
5 right now and they're slightly different.

6 MS. NEWTON: So do you think they'll
7 start -- bring something up the conveyor belt this like?
8 Is that the plan?

9 MR. COOPER: Brian, do you know --

10 MR. ULLENSVANG: They've been productive, so
11 they have to start trucking. When it gets approved for
12 removal, they may have to slow down a little bit to get
13 caught up.

14 MR. YOUNGKIN: Standing there, he's
15 directing.

16 MR. ULLENSVANG: He's watering. They're
17 doing dust control. They're constantly spraying the
18 materials with water to keep dust down.

19 MR. COOPER: Okay. So any other questions
20 on Baker Beach 1? We will do -- we can bring photos at the
21 next committee meeting. We will be sending more and more
22 photos.

23 FACILITATOR KERN: I guess related to this,
24 at our committee meeting, I was asked to -- we talked about
25 sending an invitation to Congresswoman Pelosi's aid that we

1 made contact.

2 I did do that. I haven't heard back from
3 her. It would be in the next two to four weeks. Hopefully
4 she'll respond.

5 So it looks like it's well underway, so any
6 time in the next -- I mean, it's all the same safety issues
7 --

8 MR. ULLENSVANG: Yeah.

9 FACILITATOR KERN: -- are cleared up?

10 MR. ULLENSVANG: There are opportunities to
11 get people to viewing points --

12 FACILITATOR KERN: Okay.

13 MR. ULLENSVANG: -- that would be in the
14 zone of work.

15 MR. BOGGS: Right by that tree up in the
16 background is a very good vantage point.

17 FACILITATOR KERN: Is use of these
18 excavators speeding things up a lot? It seems like a
19 surprising development since we had all these other plans
20 to use the --

21 MR. ULLENSVANG: They weren't expecting to
22 get this type of equipment down this far.

23 MR. COOPER: Right.

24 MR. ULLENSVANG: It's much more productive
25 for them to use the spiders and the conveyors. So they're

1 going to keep doing this as long as they can.

2 MR. BOGGS: Once we get to the bottom slope,
3 I think they'll still be using some of these, because each
4 bucket's so much bigger than what the spider can take, and
5 from there, they'll be moving it over to the conveyor and
6 having the conveyor take it all the way up.

7 MR. ULLENSVANG: Because the biggest problem
8 is getting them out.

9 FACILITATOR KERN: Oh. They have to winch
10 them up?

11 MR. YOUNGKIN: Any lead issues?

12 MR. ULLENSVANG: I haven't heard of any.

13 MR. YOUNGKIN: Lead disposal.

14 MR. COOPER: I heard the very first
15 preliminary data for the first stockpile, and it came in as
16 class II, but -- yeah. We'll see.

17 That's only going to cover a certain thousand
18 tons and then we have to keep doing these composites and
19 keep profiling the waste, but so far, so good. We like
20 class II.

21 Okay. So the rest is kind of boring stuff.
22 Oh, one thing -- the last bullet on this, this is area B.
23 We just looked at the area A RAP3 sites.

24 The area B sites have come along, and Brian
25 is looking at them right now. We want to get started on

1 our area B RAP3 sites.

2 As you can see, there's a whole bunch of
3 them. Hopefully later this year -- and we talked about
4 having Ryan come to a RAB meeting and give you an
5 update -- we'll maybe brief you all on what the designs
6 look like even if they're in internal review.

7 We can still talk about them and have some
8 draft maps and get that out in front of people. If that's
9 something you'd want, I'd like to reserve Ryan's time.

10 Do you want to do it at this August's
11 committee meeting? A committee meeting would be the right
12 venue in my opinion. You guys can let me know later.

13 FACILITATOR KERN: You know, August or
14 September if he has some kind of a -- even a rough kind of
15 estimate of the schedule of how they would roll out.

16 MR. COOPER: Okay.

17 FACILITATOR KERN: I think that would be one
18 of the questions people would have, because if, say, the
19 transfer station was going to come up in November, that's
20 pretty early for us to be telling a lot of people that -- I
21 mean, we'd need to get on that, telling people that there
22 are going to be trucks kind of moving through the middle of
23 the Presidio there.

24 MR. COOPER: Right. Okay. And then, you
25 know, RAP4, I won't get into any detail. That's our focus

1 CERCLA planning project, let's call it. It's got a bunch
2 of -- got landfill 8 and 10, and so that's where our real
3 focus on our CERCLA program as far as the planning side of
4 things is going on right now.

5 The RAP3 sites are out of planning or will
6 soon be leaving planning and are going into construction
7 work. The RAP4 sites are in a very critical planning stage
8 right now.

9 RAP5 sites. Basically the planning process
10 has stopped. We need to get some more progress on Lobos
11 Creek site and in fill site 6B and then we'll get the
12 planning going on that again.

13 With respect to Lobos Creek, we briefed you
14 guys with respect to our sample strategy at the June
15 committee meeting. I brought in the project manager,
16 Genevieve Coyle on that, and then on August 23rd, we're
17 going to be meeting with resource specialists in the City
18 of San Francisco to talk about our sampling strategy, as
19 well, and DTSC and the Water Board and RAB members are
20 welcome to that meeting, as well.

21 If you want to come, I can let you know when
22 and where. On the 23rd. You're certainly welcome.

23 And just that last bullet, I think I told you
24 guys before on Mountain Lake, I'm pretty -- I'm
25 recommending a separate RAP for that, just the way the

1 enforcement issues are trending on that.

2 FACILITATOR KERN: I can tell you that I
3 tried to call and get to Bijan Sartipi about our letter.
4 You'd also sent me a letter --

5 MR. COOPER: Yeah.

6 FACILITATOR KERN: -- that they had sent to
7 you.

8 MR. COOPER: They denied our grant
9 application. I've got a slide on that.

10 FACILITATOR KERN: I'll wait on that.

11 MR. COOPER: On the unknown contamination
12 site at 937, since the last time we talked to you guys,
13 Bob, Brian and I met with the developer for building 937,
14 kind of talked about general coordination issues,
15 expectations on communication, general pathway, and I'd
16 like to sit down with you guys now and talk about what I
17 think is the best way to -- because we know we need to do a
18 CERCLA process for the contamination, and building 937,
19 that's the solvent vapors that's underneath the concrete
20 slab floor.

21 So I'd like to come maybe to the August
22 committee meeting. You know, we issued a really hefty data
23 report there. We've done a lot of investigation work. I
24 should really summarize everything that we've found there.

25 I know I've done for these quarterly updates,

1 told you in general what we've found, but now we're ready
2 to say not only what we found, but start scoping
3 alternatives we want to -- clean up alternatives we want to
4 analyze and for the final remedy there and what vehicles
5 should we do a RAP for this site or should we do something
6 called a removal action work plan, which is kind of more a
7 streamlined CERCLA decision-making process.

8 So there's some decisions we need to make
9 that I'd like to sit down and talk to you guys about.

10 FACILITATOR KERN: Just so people know, 937
11 is at the west end of Crissy Field. There are
12 redevelopment plans for that building. I believe it's to
13 be some sort of winery or --

14 MR. COOPER: That's correct.

15 FACILITATOR KERN: Some sort of restaurant
16 venue, and I know -- I've seen some of the letters come by
17 me that indicate there's been a lot of discussions between
18 the developer and the Trust and DTSC in trying to work out
19 some sort of cost sharing arrangements.

20 Maybe you can tell us a little more about
21 that.

22 MR. COOPER: Yes. I made it clear -- the
23 developer needs to do things to this building to install
24 the winery and the restaurant and things like that, and a
25 lot of that is going to be -- needs to be coordinated with

1 the remediation of the hazardous substances there, as well.

2 So I've -- the developer is really interested
3 in making sure the cleanup is absolutely as thorough as
4 possible, and -- because his own interest is that he
5 doesn't want any suspicion that the winery is -- because
6 they are serving food and making a product, he doesn't want
7 any suspicion that there's some residual contamination
8 there, and just for long-term -- you know, with this type
9 of contamination, it's pretty frequent that you have to do
10 monitoring, indoor air monitoring and so on, and he just
11 doesn't want to have any surprises down the road. He wants
12 to reduce the risk of that.

13 So this particular developer is really in
14 favor of a full cleanup and has made it clear that -- well,
15 has not made it clear, but I've made it clear to clear to
16 them that they are going to have to cost share on these
17 things for there to be a full cleanup.

18 There are different ways -- if we just want
19 to do a cleanup only, I could take -- I'll explain this
20 when I do the full briefing, but they seemed amenable.

21 We haven't gotten into the details on who's
22 going to pay for what, but that is I think quite possible
23 that the developer could help pay for certain aspects as
24 far as at least accessing the contamination.

25 Not a lot of detail --

1 FACILITATOR KERN: There's a lot more to be
2 asking about that --

3 MR. COOPER: Yeah.

4 FACILITATOR KERN: -- because I feel like
5 for a few years now, I can think one of our members who's
6 since left, Mary Trigiani, was always recommending if
7 there's a development the project, try to get the person
8 involved in the cleanup, and since that's precisely what we
9 have here, hopefully we can really be on top of that.

10 MR. COOPER: And it's precisely what I'm
11 recommending, yeah. It's a final line, you know. I don't
12 want to scare the developer away by putting too much on,
13 but we're trying -- just through talking and meetings, I
14 think we're finding smart and efficient ways for them to
15 pick up, and things that would make sense for the
16 remediation department to pay for.

17 I'll let you know when we do the briefing,
18 I'll let you know what at least our tentative thinking
19 process is on that.

20 Other unknown contamination, there's -- as
21 you know, we have got an ongoing dispute in the Army that's
22 now in its third tier. I went to Washington, D.C. with my
23 attorneys to meet with -- and with Dave Grubb, the chairman
24 of the board on July 18th and we think that we made some
25 significant progress in reaching a settlement. So

1 it's not a done deal yet, but we kept it at third tier.
2 We're not taking it to DOJ at this point in time, and -- to
3 see if we can agree on a number. That's really what it is.

4 FACILITATOR KERN: Can you say whether there
5 have been offers and counteroffers?

6 MR. COOPER: There's been offers and
7 counteroffers, yes.

8 FACILITATOR KERN: Good.

9 MR. COOPER: Mm-hmm. In the millions.
10 So -- yeah. It's one thing for us to -- yeah. So the Army
11 has made an offer. They've made a couple, actually, and
12 the last one that they've now offered, we're considering
13 that, the Trust and the Park Service.

14 MR. YOUNGKIN: Can you discern any impact by
15 Pelosi's office at all?

16 MR. COOPER: No, but -- I mean, I wasn't
17 even expecting an offer, to be honest. Just from side
18 conversations I've had with Bruce, I thought for sure it
19 was going to go to the Department of Justice.

20 I think both sides were pretty much
21 entrenched, so -- all right.

22 And then we have some disputed tank sites
23 with the Army. Some of them are -- three of them are
24 actually in the same dispute with Baker Beach 2A, so if
25 we -- if we do reach a settlement with the Army on 2A, we

1 would reach a settlement on those tank sites, as well.

2 Some others are not -- have their own dispute
3 track as do a whole bunch -- here's the Mountain Lake
4 slide.

5 Just briefly on that, we've had one legal
6 meeting with Caltrans back in April. At their request, we
7 applied for a myriad of grants covering three different
8 projects that need to get done at Mountain Lake: The
9 cleanup of contaminated lake sediments, the Highway 1 storm
10 drain thing and the lake overflow piping system.

11 They encouraged us to put together grant
12 applications for all three projects, which we did, and
13 they've sent us a letter saying no dice on all three.

14 FACILITATOR KERN: It also said due to the
15 legal ongoing things and he would get back to you when
16 those are all cleared up or something, and I just found the
17 whole thing to be completely ridiculous.

18 MR. COOPER: A little odd because when they
19 requested us to put these grant applications together, it
20 was at that April legal meeting. All the attorneys were in
21 the room.

22 FACILITATOR KERN: Yeah.

23 MR. COOPER: And they said please, you
24 know -- this might be a way for us to facilitate or
25 partially facilitate, you know, the settlement, and now

1 they've written back saying, "Wow, we're in this legal
2 situation with you guys and we're not going to give you any
3 grant money," so --

4 FACILITATOR KERN: Well, did somebody sue
5 somebody or what? Is there an actual new legal case or is
6 it just --

7 MR. COOPER: Same old one. We haven't
8 officially filed suit or anything like that. We have, you
9 know -- there's been some interaction between the
10 attorneys.

11 Department of Justice, you know, has sent
12 some briefs over to Caltrans putting them on notice of
13 this, but everything is kind of held in abeyance for at
14 least I think November of this year.

15 So --

16 MS. BLUM: Craig?

17 MR. COOPER: Yes.

18 MS. BLUM: Are you saying they denied the
19 Trust grant applications pending the resolution of the
20 lawsuit? Is that what you're saying or --

21 MR. COOPER: Well, I don't want to interpret
22 their letter. That's kind of what I read in their letter
23 of what Doug said, as well, that -- yeah.

24 MR. NARALA: Is it possible to share that
25 letter with everybody?

1 MR. COOPER: Yeah. I don't see why -- they
2 didn't claim any confidentiality on the letter.

3 MS. BLUM: Is the lawsuit over the same
4 areas that were under discussion?

5 MR. COOPER: Okay. There's no lawsuit yet,
6 but potential lawsuits. Pending legal action. That's
7 probably the best way.

8 MS. BLUM: Does that also concern Mountain
9 Lake?

10 MR. COOPER: Yeah. That's what it's about.
11 The pending legal action is the Mountain Lake.

12 MS. BLUM: Okay. Fine.

13 MR. COOPER: Those three projects. The lake
14 sediments, the storm drain and the lake overflow, and I
15 actually forwarded the Caltrans letter to Mark and Doug.
16 So feel free to forward that off.

17 FACILITATOR KERN: John.

18 MR. BUDROE: You know, we've gotten so good
19 at talking to our elected representatives, that since we
20 haven't gotten to the point where everybody has completely
21 lawyered up and gone to court, whether it might not be a
22 good idea to talk to our -- to the state legislators in
23 whose district this is; i.e. Carol Migden and Mark Leno,
24 and apprise them of what's going on.

25 Because if it gets to the point where a

1 lawsuit gets filed and they're kind of out of it, usually,
2 but until it gets to that point --

3 MR. COOPER: Yeah.

4 MR. BUDROE: -- it's a possible avenue of
5 gentle persuasion.

6 So since, you know -- I don't know whether
7 talking to Pelosi's office had any effect on the Army, but,
8 you know, hey, it might be worth a second go-round.

9 FACILITATOR KERN: Yeah. I think it would.

10 MR. COOPER: All right. Petroleum projects.
11 Again, I'm going to slide through these because we're
12 really running out of time. They're standard stuff.

13 We did one update on -- so the tank closure
14 process, we've removed the last four known underground
15 storage tanks. They were in the basements of four homes on
16 Portola Street, four occupied homes, I might note, which is
17 not easy to let -- you know, coordinate with these folks
18 and move stuff out and move it around and pull the tanks
19 out.

20 None of them had leaked, though, so that made
21 the removal of the tanks a lot easier.

22 And there is a photo of a tank being removed
23 from a basement on Portola Street, and our mini cap report
24 has been long in coming, and that's an investigation of a
25 big group of mini cap sites.

1 It's going to go to the Water Board next week
2 and the RAB and everybody, as well.

3 I think I've talked about some of these
4 people, FDS, I'm not going to get into.

5 The lead-based paint program continues.
6 We've done a few cleanups over the last few months.

7 There's the numbers. Land use control.
8 We've already talked about that.

9 I guess this last bullet is wrong, Mark. I
10 thought you were going to try to start revegetation this
11 winter, but it doesn't sound like -- even if I'm able to
12 get the fence down this winter --

13 MR. FREY: No plans.

14 MR. COOPER: -- you'd leave the tarp in
15 place?

16 MR. FREY: We'll do some complex and
17 intensive planning to try to reduce the weeds in there, and
18 that's going to take a long time.

19 MR. COOPER: So you'll be doing weeding.

20 All right. So I have some handouts here. I
21 don't know if people can read those numbers, but yeah.
22 They're kind of in bunches.

23 So, all right. So you'll see hopefully they
24 were offset, collated a little bit.

25 All right. So we have not issued our next

1 quarterly financial status report. It should coming out by
2 Friday of this week, but this is information that's going
3 to be in this report, and our report on the first thing is
4 the top six things that we spent money on over the last
5 quarter.

6 Again, you just need to look at the first
7 column. The last quarter covers April, May and June of
8 2007, and these are the things that were the most -- that
9 were the most expensive things that we paid the most
10 invoices on.

11 The number one was our commissary PX area
12 corrective action plan. So we were paying some final
13 invoices for the remediation contractor, and we also
14 started paying invoices for the completion report, as well.

15 And then also these sites here, Baker Beach 1
16 and 2A were in final phases of remedial design, so we were
17 paying invoices on that, and then as far as 1A, that was a
18 big investigation effort that also happened earlier this
19 year that we were paying invoices on.

20 FACILITATOR KERN: Does that number seem
21 right to you, Craig? Is 1A almost a million dollars for
22 what was just a little teeny site?

23 I know there's been more investigation,
24 but --

25 MR. COOPER: Oh, it's grown a lot now.

1 FACILITATOR KERN: I know it's bigger, but
2 we haven't hauled anything away.

3 MR. COOPER: Right.

4 FACILITATOR KERN: I mean, I'm just seeing
5 cumulative to date, almost a million dollars.

6 MR. COOPER: Yeah. We need to -- I think
7 what we've been doing, the way we're allocating the
8 invoices for a lot of these, we've been splitting it --
9 I'll talk to George about how we've been doing that.

10 I think it's quarters, like he would be --
11 for the RAP costs and things like that, he's just been
12 allocating it out by straight percentage.

13 It's a good question. Let me do some
14 research on how we're allocating out invoices, because
15 they're coming in for one, 1A, 2 and 2A, and I think for
16 some things, we've been using just a flat percentage of
17 quarters, yeah.

18 So -- but you're focusing on this number
19 here?

20 FACILITATOR KERN: Right. Because we
21 haven't done anything there yet, really, in terms of
22 hauling anything away.

23 MR. COOPER: Right.

24 MS. NEWTON: In 1A?

25 MR. COOPER: Right. There's been no cleanup

1 there, yeah. So it's a good thing. We might want to make
2 sure that no like design invoices have inadvertently been
3 charged to 1A, things like that.

4 Just the investigations have continued. I
5 know that we started to write a RAP for 1A and stopped.

6 Okay. So that's that. That's the big
7 spending projects.

8 The next one is which -- our top five
9 projects that encountered a change in the EAC, which is
10 estimate at completion. That's basically the overall grand
11 total budget for a project.

12 It's planning, it's construction and it's,
13 you know, post construction costs, and as you can see,
14 Baker Beach 1 and 2A are the first up as far as increases.

15 We talked about those increases in the past,
16 that with the AIS contract, bid costs coming in a lot
17 higher than what was projected in the RAP.

18 So I don't want to belabor those points. We
19 also have a little bit more archeology and construction
20 oversight that was projected in the RAP, but by in large,
21 the lion share of those increases are associated with the
22 actual excavation costs that was associated with those
23 sites.

24 Then, as you can see, there's a couple lead-
25 based paint projects that are popping up on this probably

1 for the first time. We were using the budgeting kind of
2 assumptions that were used by the Trust that date back all
3 the way from our 1999 agreement, some kind of like very
4 basic budget assumptions, and now that we've done a
5 significant number of cleanups, we have enough raw data to
6 retool those lead-based paint cost projections, and so we
7 now have like a unit cost for taking a lead-based paint
8 site through planning and the unit cost for taking a lead-
9 based site through construction, and we are now -- so we
10 pulled -- we pulled away all the old assumptions that we
11 had inherited for our lead-based paint program and are now
12 using real actual Trust Presidio specific data.

13 So that's what that -- those two sites are
14 about.

15 And then the last one is for 1065. We
16 have -- we got bids in on that, too, which caused a much
17 more mild increase in the EAC, and at Baker Beach 1 and 2A.

18 So anyway, those are the top five. Bid
19 prices coming in a lot higher than anticipated in the RAP.

20 Lead-based paint program, we're using a whole
21 new set of assumptions on costing out those projects, using
22 Presidio specific data and 1065 bid -- bid prices coming in
23 a little bit different than what the corrective action plan
24 had estimated, but not by too much.

25 MR. BUDROE: Craig, I got a question.

1 MR. COOPER: Yeah.

2 MR. BUDROE: Are these -- those cost
3 estimates, do they ever get readjusted for inflation?

4 MR. COOPER: Yes. How do we -- oh, my God.
5 That question's been asked of me. You'd think I'd know it
6 by now.

7 We -- we have an inflation -- yeah. So like
8 for our -- we have a set of unit rates and then we have --
9 we use three point something to increase our unit rates
10 every year for inflation.

11 So like if we write a new RAP, they are --
12 they're bounced up. When -- if a project is taken through
13 a RAP or a cap, they're bounced up for inflation.

14 So, yes. The answer's yes.

15 MR. BUDROE: Because that's one of the
16 things when you're figuring out how much a project has gone
17 up, if the project's been just delayed, it's liable to
18 build an automatic increase in costs.

19 MR. COOPER: Right. One thing that we
20 haven't done, like -- you know, because the inflation will
21 get corrected when we take projects, you know, through a
22 remedial action plan or a cap, but like in our lead-based
23 paint program where we're just using actuals, you know,
24 that -- those aren't adjusted for inflation.

25 They're based on -- what we might want to do

1 is she might continue to keep her database and just update
2 her unit rate every year, let's say, and that's in a sense
3 not only adjusting for inflation.

4 It's just adjusting for real life -- you
5 know, whatever the Presidio rate is let's say in our
6 remedial program.

7 MR. BUDROE: You keep a handle on it, that
8 if you have cost increase, something costs more than you
9 thought it would, you're doing something differently and
10 that might you incur the cost or things just got delayed
11 and general inflation is going to like the price of it.

12 MR. COOPER: Mm-hmm, right. We're studying
13 that, and again, we've got a correction for inflation in
14 our cost estimates now, but the other thing that I am
15 working with -- and I sat down with Doug to talk about this
16 a little bit -- is just that, you know, how do I correct --
17 like in this table here, as you know, this is kind of the
18 overall summary and the number to focus in on is this one
19 here under Army funds.

20 This is what we're saying now for the actual
21 quote unquote shortfall, 26 -- 26 million, and that is not
22 adjusted for what you're kind of talking to, these kind of
23 projected, you know, inflation -- time for projects that
24 aren't going to happen for three, four, five years, and
25 anticipated just increases that we've been experiencing,

1 you know, kind of like what we did in our lead program.

2 I haven't readjusted -- you know, applied
3 that kind of logic back to the CERCLA and petroleum program
4 again.

5 I did it at a wholesale type program wide
6 level, and when you do that -- so I looked at what -- what
7 was my kind of cost increase in my CERCLA program kind of
8 at a macro level, and if I did that, it would probably --
9 that would be like protecting myself against future cost
10 increases based on the rate of increases that we've
11 encountered over the last five years.

12 If I applied those to my future projects, how
13 much would things bump up.

14 This does not include that thinking process.
15 I want to talk to Doug about that some more. If I did that
16 in my thinking process, it bumps it up to about 40 million.

17 Does everyone follow that? So that 26 is --
18 FACILITATOR KERN: Short.

19 MR. COOPER: Is probably still short.

20 In other words, if the rate of increases
21 continue to unfold the way that we've experiencing over the
22 last five years, that number is going to go from 26 to
23 probably 40 plus.

24 FACILITATOR KERN: While we're talking about

25 --

1 MR. O'HARA: It's a pretty significant
2 shortfall, and what are you planning to do in terms of
3 meeting it?

4 MR. COOPER: Mm-hmm.

5 FACILITATOR KERN: One of the things that
6 I've been talking to Craig about is developing, you know,
7 what many of you are familiar with, a best case, a likely
8 case and really a worst case --

9 MR. COOPER: Yeah.

10 FACILITATOR KERN: -- to try to get a handle
11 on -- this is just a number, and we don't know if it's in
12 the middle, if it's low or if it's high,

13 MR. COOPER: Right.

14 FACILITATOR KERN: So we have to get a
15 handle on that.

16 MR. COOPER: Alan has taken these numbers as
17 far as he could. We hired someone a few months ago, her
18 name is Kathleen Catten, and she has expertise in doing
19 these cash flow analyses.

20 Looking at these ranges, we had a meeting
21 with Kathleen, Doug and myself and Kathleen has made some
22 progress in doing these cash flow analyses, and now she's
23 going to look at these ranges, best, worst and reasonable
24 and see when the money runs out, what year under each of
25 these various scenarios.

1 And so I would love -- when she's done, you
2 know, I would love to have her come to a RAB meeting and
3 talk about her cash flow analysis.

4 MR. ULLENSVANG: Is there a possibility to
5 maybe have her come before she's done?

6 MR. COOPER: Sure.

7 MR. ULLENSVANG: So there can be some
8 discussion. I'm sure the RAB members have some ideas on
9 how the cases have been formulated.

10 MR. O'HARA: I'm thinking in terms of taking
11 a macro look at not only what's going on here, but what's
12 going on in the state in terms of what contractors are
13 doing and what their work loads are like, and over the last
14 five or six, ten years, they're getting buried, but it
15 would seem to me that based on what is happening in the
16 industry in terms of contractors outdoing development work
17 or supporting the development work, that slowed down
18 significantly.

19 If you can accelerate some of your programs
20 to take advantage of the slowdown in work, it would seem to
21 me that you could get a lot more bang for your buck in the
22 next three or four years than if you stretched this thing
23 out over ten years.

24 MR. COOPER: Yep. I mean, accelerating the
25 time frames has been a theme at our summit meetings,

1 getting projects through the planning phase a lot faster.

2 MS. NEWTON: That's been a theme since I've
3 been part of this group.

4 MR. COOPER: As you know, our cost overrun
5 insurance expires in 2014, so the heat's on. We definitely
6 feel it, yeah. Time is of the essence in more ways than
7 one.

8 Okay. So as far as getting back to Peter's
9 question with our overall strategy, I have briefed the
10 Trust Board of Directors on our overall strategy on how
11 we're going to manage the projected shortfall, and I don't
12 know if I've ever -- it seems like I've talked about that
13 so much, I don't know if I've done that these are our major
14 themes on how we're managing the shortfall and I could do a
15 couple talking points on that and just explain how we --
16 how the claim process and other initiatives, you know,
17 thinking -- the summit meetings, et cetera are being used
18 to help us manage our way through this, you know, projected
19 shortfall.

20 And speaking of which, you know, we had
21 another summit meeting. We need to get RAP4 through the
22 planning process, and then to construction as quickly as
23 possible so we can get to RAP5 where there's some really
24 big ticket projects.

25 We've sent Zurich an L endorsement request

1 for Genevieve to be our RAP writer. She'll basically be
2 replacing consultants at a much lower cost and we think
3 that will be a much more efficient process -- way to get a
4 RAP written than like what we experienced in RAP3 where we
5 had MacTech people in twos and threes coming to every
6 single meeting.

7 So we're trying to be more cost efficient in
8 getting a project through the planning process, especially
9 for RAPs.

10 I'm in the process of hiring consultants for
11 our design team for landfills 8 and 10. Also, I'm going to
12 be hiring an intern, so if you know anybody, that job
13 should be posted on the Website later this month.

14 So if you know anybody who's in college or
15 recently graduated from college or working on a Master's
16 Degree in engineering, environmental science, geology who
17 you think's real sharp.

18 One particular task I might have this intern
19 do is pull a lot of archives regarding a lot of Army tanks
20 that were believed to be pulled that there's not a lot --
21 that documentation's not readily handy.

22 So it's a lot of kind of busy work going
23 through archives and stuff.

24 So anyway, feel free to give out my e-mail
25 address to anybody you feel is qualified. The pay is not

1 going very low, but especially if they're from out of state
2 or far away, and we can provide fee housing.

3 MS. NEWTON: Not in a gas chamber or
4 something.

5 MR. COOPER: It's dorm style living. You
6 have your own private bedroom, and sometimes your own
7 private bath or you might have to share a bathroom with one
8 other room, and then a common kitchen area. It's pretty
9 nice.

10 It's actually across the street from here,
11 building 41. We have Presidio Trust consultants stay
12 there.

13 I think the AIS contractors are staying
14 there, a couple nights here and there, as well.

15 So --

16 FACILITATOR KERN: Gloria.

17 MS. GEE: I find these two, your cost
18 updates and the top five cost overrun really helpful, but
19 what's missing, I think from the cost report update is a
20 way to say that, oh, I'm just giving you an example, under
21 the CERCLA, the first -- what do we call it, two rows?

22 You said the original cost was estimate 58.6,
23 then spent to date was 1331.7, but it would be helpful for
24 the executive level and even the public to know that well,
25 did that 31.7 hop -- it went toward the completions of how

1 many of those projects that were the initial estimate.

2 Like, as an example, I'm saying.

3 MR. CHESTER: Percentage.

4 MS. GEE: Percentage. Are you saying --
5 this is factual. 31.7 actually was expended to handle only
6 say twenty percent of the original project specs.

7 MR. COOPER: Mm-hmm.

8 MS. GEE: Once you get those percentages
9 coming through, then you can see how much of a cost overrun
10 was it, and what you're going to come out with that yes,
11 even though they completed or whatever they did, if you can
12 put a handle on that percentage like 21 percent, but the
13 cost overruns were forty percent on those 21 percent
14 projects.

15 That is something that is really
16 meaningful --

17 MR. COOPER: Right.

18 MS. GEE: -- and there hit hopefully.

19 MR. COOPER: I have that split. This table
20 needs to be redone. We've talked about redoing it.

21 For example, the 31.7 million we've spent on
22 CERCLA projects to date include moneys spent on known sites
23 back in 1999 and also unknown contamination CERCLA sites.

24 So it's not really an oranges and oranges
25 comparison right now with my '99 budget, because the '99

1 budget obviously was just for the known -- the known sites.

2 MR. ULLENSVANG: But you don't have anything
3 for unknown, so it's not that far off; right? You didn't
4 have a category for unknown.

5 MR. COOPER: Correct, but I spent money on
6 unknown.

7 MR. ULLENSVANG: But it's a CERCLA unknown.

8 MR. COOPER: Right.

9 MR. ULLENSVANG: So it's still a program
10 cost.

11 MR. COOPER: I'm not saying this number is
12 meaningless, but we could split it out and track knowns to
13 knowns. If we do the unknown, the unknown budget will be
14 zero.

15 FACILITATOR KERN: I need to be respectful
16 to people's time. We're overtime now, but Gloria, if you
17 have --

18 MS. GEE: The other one, if you could take
19 from the top five projects from the cost overrun, you could
20 do a really crude thing.

21 Based on the top five worst ones, out of
22 original current projection of those five projects, that
23 comes -- the original one was like twenty million dollars
24 and then the cost overrun was like five million.

25 So you can say that you have to be

1 conservative to expect that there will be a 25 percent cost
2 overrun and you can use that as a rule to go across the
3 rest of the board.

4 MR. BUDROE: Except you have the problem of
5 what's your immediate trick.

6 MS. GEE: Even before you do the inflation
7 adjustment.

8 MR. BUDROE: Right.

9 MS. GEE: Just like a ballpark that you
10 should budget for --

11 MR. BUDROE: But what I'm saying is how do
12 you decide twenty percent completed? Well, what is based
13 on what? Based on twenty percent dollars spent, number of
14 sites? How are you going to metric on that is tough?
15 That's one problem trying to do that kind of analysis.

16 MR. ULLENSVANG: I think I hear Gloria
17 saying that you can use this as a bracketed system. You
18 can go in and compare your percentage of cost and use that
19 to project into the rest of your sites and have a tool to
20 bracket. Your --

21 MS. GEE: Right. That way you can hopefully
22 plan a little further with your headlights, we need to
23 arrange for this cost overrun.

24 MR. COOPER: Right.

25 MS. GEE: If you undershoot, I think that's

1 all the better.

2 MR. COOPER: I think that's what Doug has
3 recommended to do. When we do the cost flow analyses, best
4 case, worst case and accepted scenario.

5 We can look at these increases to help us
6 start to describe what a worst case scenario would be based
7 on what actually is happening at some sites.

8 FACILITATOR KERN: Well, I think Gloria may
9 be actually just giving us a way to get some of the sites
10 updated to more of a likely case.

11 MR. COOPER: Mm-hmm.

12 FACILITATOR KERN: I think that's what I'm
13 hearing, is that there are these cost increases that are
14 just coming out and they're kind of the likely -- maybe the
15 likely.

16 MR. COOPER: They're not being factored back
17 in. I need to keep reporting them every quarter, yeah.
18 I'm going to have to short -- I think ranges are going to
19 be the way that we have to do.

20 FACILITATOR KERN: We just need to spend --
21 we have to figure out a way to spend more time than once
22 every six months with Kathleen.

23 We have to get really a good handle on this,
24 meet everyday for two weeks if that's what it takes.

25 I know you have a few other things to do.

1 MR. COOPER: Right.

2 FACILITATOR KERN: We need to wrap up the
3 meeting, and I appreciate everybody hanging after the
4 regular time.

5 Bob or Devender, anything from you guys?

6 MR. BOGGS: Not yet.

7 FACILITATOR KERN: Thank you.

8 New business?

9 Action items. I'm going to look into getting
10 a hold of our state legislators to begin working on the
11 Mountain Lake problem. We might also go back to our -- our
12 federal legislators with that issue.

13 We're looking at getting some tours and
14 getting people out to the Baker Beach site, so we're going
15 to try to arrange for that to happen soon.

16 Any other -- and I need to get with Craig and
17 make some of these changes that we talk about, really tie
18 them down so you have a lot more leverage with these
19 reports.

20 Any other action items before noted?

21 MS. MONAGHAN: Would you send us the
22 Mountain Lake reject letter?

23 FACILITATOR KERN: Yeah.

24 MS. MONAGHAN: Thank you.

25 MS. BLUM: I think the Trust is sponsoring

1 some tours through Tennessee Hollow watershed now if I'm
2 not mistaken.

3 MR. FREY: The deadline for comments is
4 October 9th. The public meeting is October 2nd and there
5 will be a volunteer opportunity on December 22nd, I think,
6 or whatever that Saturday is.

7 MS. BLUM: I'm thinking that the new members
8 might want to go on some of those to get familiar with the
9 Tennessee Hollow watershed.

10 MS. NEWTON: I just got something in the
11 mail today.

12 MS. BLUM: You could probably look it up on
13 the Trust, new projects or calendar of events.

14 MR. ULLENSVANG: I think it just went out.

15 MS. NEWTON: I just got a mailer today.

16 MS. BLUM: I would definitely try to take
17 advantage of those free walks. I think they last about an
18 hour and a half.

19 FACILITATOR KERN: So agenda items for the
20 committee meeting, I think we talked to re-examine
21 my -- the brain storage idea about a resolution.

22 I didn't forget about that resolution that
23 had to do with the schedule.

24 I can explain in greater detail why I didn't
25 come up with that. There are so many other things going

1 on, that bringing in a schedule that wasn't incorporated to
2 all the other things that are being done seemed to be kind
3 of a waste, but we need to talk more about that.

4 And by the way, on that particular subject,
5 the time is screaming by. There are already items that are
6 not getting done on that schedule.

7 So we're potentially way behind on RAP4, as
8 far as I can tell. So we'll get those things on the table
9 at our next committee meeting.

10 I do want to thank everyone again for
11 spending your evening with us here tonight and all of your
12 great comments.

13 Anything else for the good of the order
14 tonight? Without objection, meeting adjourned.

15 (The meeting concluded at 9:19 PM).

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25 STATE OF CALIFORNIA)

COUNTY OF SAN FRANCISCO)

I, the undersigned, hereby certify that the foregoing transcript was by me duly taken; was taken at the time and place therein stated; that the foregoing is a full, true and complete record of all words spoken.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing meeting and caption named, or in any way interested in the outcome of the cause named in said action.

IN WITNESS WHEREOF, I have

hereunto set my hand this

23rd day of August,

2007.

Mark I. Brickman CSR No. 5527

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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, SEPTEMBER 11, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

RAB Members:
Doug Kern, Facilitator
Craig Cooper
Brian Ullensvang
Devender Narala
Sam Berman
Jan Monaghan
Julian Hultgren
John Budroe
Michelle Passero
Jan Blum
Edward Callanan
David Bach
John Chester
Toni Kramer
Barbara Newton

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on September 11, 2007, at the Officer's Club, Building 50, Presidio of San Francisco, California, before me, MARK I. BRICKMAN, CSR No. 5527, State of California, there commenced a RAB meeting under the provisions of the Presidio Trust.

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1 FACILITATOR KERN: Welcome, everyone. to
2 the regularly scheduled Presidio Restoration Advisory Board
3 meeting for September 2007. I'd like to welcome everyone
4 from the Presidio staff, our staff members, National Park
5 Service, our regulatory community represented by Devender
6 from the Water Board -- I think Bob Boggs, if my memory
7 serves, is climbing in Yosemite tonight, so we wish him the
8 best and his objectives
9 there -- members of the Presidio community members of the
10 Restoration Advisory Board and any members of the public,
11 welcome here tonight to our meeting.

12 Are there any additions or changes to the
13 agenda?

14 Let's move on to announcements and old
15 business. Under old business, we have Baker Beach landfill
16 update. Perhaps we can hear from people who have been on a
17 site tour or Craig or Brian or anybody who has any updates
18 on that.

19 Would you like to start, Craig?

20 MR. COOPER: I did not go on the site tour
21 today, but I have been recently -- I know Jan went on a
22 tour recently with Mark Youngkin and then a whole bunch of
23 other RAB members went -- was that last --

24 MR. ULLENSVANG: Two weeks ago.

25 MR. COOPER: Two weeks ago, and a lot of

1 progress is being made on the Baker Beach 1 site.

2 There was a photograph that Mark Youngkin
3 sent out that -- I think that really showed a great view
4 with the bridge in the background and like --

5 MS. NEWTON: He sent a second one, too.
6 They were great.

7 MR. COOPER: That really tells a lot, and as
8 you can see, that grayish green surface that's being
9 exposed, that's the native serpentine bedrock that we want
10 to expose.

11 I think preliminarily, the volume may be a
12 little bit more than what we anticipated, the natural
13 contour there.

14 George kind of explained it to me. We
15 thought it was going to be more of a bowl. It appears that
16 in that bowl, there was a crevasse, perhaps.

17 If you noticed -- Doug, you've been there a
18 couple times. They're digging along, and they've kind of
19 been exposing serpentine quite a bit.

20 And they're digging and they're digging
21 deeper, and so the natural contour, they might have dug
22 down there and there was a pretty deep thick slug of waste
23 sitting in there.

24 But they're going to get it. They're making
25 progress on it. They're -- I don't know -- sixty -- I

1 don't know exactly what percentage, but they're more than
2 halfway done with Baker Beach 1.

3 MR. ULLENSVANG: I would think so.

4 MR. COOPER: Most of the waste is going out
5 as California hazardous waste or RCRA hazardous waste.
6 It's good news/bad news.

7 The bad news that the volume appears to be
8 going up a little bit, and the toxicity of the waste is
9 kind of that high end toxicity, the most toxic type of
10 waste.

11 That's the most expensive to dispose of
12 off-site, you know, and the vindication of that is we're
13 getting rid of a landfill that the Army at one time said it
14 was no big deal and nothing really to worry about and we're
15 finding out that the type of material that we are
16 excavating from there is not good stuff, not -- you know,
17 not good for, you know, people or any of the ecological
18 receptors there.

19 And they've also -- and maybe Brian can pick
20 up this point. We're starting to set up for Baker Beach 2A
21 removal, as well, and we're -- we've kind of landed on a
22 slightly different strategy to get the waste off the
23 hillside there, and I know -- Brian, do you want to speak
24 to that?

25 I know you were there just today. At least

1 the setup is complete.

2 MR. ULLENSVANG: No. They're still setting
3 up. The original plan was to bring the waste up to the top
4 of 2A, and as they began the detailed arrangement to do
5 that, they realized that the top of the bluff at 2A is
6 pretty congested.

7 So the contractor had a new idea for how to
8 take advantage of the waste and presented it to everyone,
9 and it seemed like a good idea, that the waste will be
10 taken down about two-thirds of the way down the slope and
11 then conveyored over Baker Beach 1 and then conveyored up,
12 and that avoids having to set up a new top of slope staging
13 area. It avoids the damage that was going to be done with
14 the trucks through that tight area.

15 So they're setting up the conveyors right now
16 and moving the conveyor horizontally about two-thirds of
17 the way down the slope over to Baker Beach 1 and the
18 conveyors are already setting up to go to the top.

19 MR. COOPER: So the conveyors at Baker Beach
20 1 are going to stay in place.

21 MR. ULLENSVANG: They'll move around a
22 little bit.

23 MR. COOPER: And where the person's pulling
24 out those big chunks, that can all stay.

25 MR. ULLENSVANG: That can all stay.

1 MR. COOPER: Okay.

2 MR. BERMAN: How long a stretch is it from
3 2A over to the one from there?

4 MR. ULLENSVANG: I think it's three
5 conveyors, so that's probably 150 to 200 feet.

6 MR. BERMAN: So it's easier to do that than
7 it would be to just send a conveyor down to the coast and
8 barge it out.

9 MR. ULLENSVANG: Because early on, we looked
10 at barging it, and the rock -- there's submerged rocks out
11 there, so the Trust did a study and found that there was
12 not a good route into the coast at that point, and so there
13 would be quite a distance along the beach, and so that --
14 it was ruled out by water.

15 And this works out pretty well. Instead of
16 conveying up, they're just conveying over. The setup
17 that they have for managing and storing the waste in the
18 stockpiles before it's trucked out is working fairly well.

19 MR. BERMAN: So how will they power the
20 horizontal conveyor?

21 MR. ULLENSVANG: The same way they're doing
22 the vertical conveyor. They have a portable generator that
23 supplies all the power for the conveyors. They're all
24 electric power and they can run off the same control board
25 that they've got set up.

1 MR. BERMAN: So they don't need to bring in
2 another generator for the horizontal --

3 MR. ULLENSVANG: I don't think they do. I
4 don't know in particular if they have to swap it out for a
5 larger one or not, but the one that's been there for a
6 while is still sitting there.

7 So I assume they've got that sized right.

8 MR. BERMAN: All right.

9 MR. BACH: I understand the photo -- and I
10 haven't been able to make it to some of the tours, but the
11 top portion of the conveyor belt -- and I think what I was
12 looking at was more of the vertical -- not the
13 horizontal -- had some canopies over the top --

14 MR. ULLENSVANG: Yes.

15 MR. BACH: -- section, which is something we
16 talked about to make sure that the dig that they bring up
17 --

18 MR. ULLENSVANG: Doesn't blow as much.

19 MR. BACH: Is that also being adapted to the
20 horizontal component?

21 MR. ULLENSVANG: Once you're on the slope,
22 the wind isn't as bad. The wind rounds the top corner.
23 That's why when you're in that picture, only the top
24 segment had the shroud on it.

25 MR. BACH: Mm-hmm.

1 MR. ULLENSVANG: So they're not expecting
2 any wind problem.

3 They will have a certain degree of shielding
4 down there so that any sort of material that's brought
5 there doesn't drop are off into a clean area.

6 MR. COOPER: That's really the only downside
7 that we could think of, that because we're going that 200
8 feet or whatever is going to be crossing through a -- not a
9 remediate -- an i-between zone that's clean.

10 MR. BACH: Right.

11 MR. COOPER: So that's the risk -- we don't
12 want to spill anything in clean areas.

13 MR. BACH: That was my question.

14 With that in mind, in the rainy season
15 approaching, I remember what was discussed about -- you
16 know where I'm going with that.

17 MR. COOPER: We can't -- once significant
18 rains start, we have to -- we have contingency plans to set
19 up to close up shop.

20 MR. ULLENSVANG: They're still running close
21 to sixteen hours a day seven days a week.

22 MR. BACH: I'm just thinking of spill.

23 MR. ULLENSVANG: As we get to near the
24 beginning, we'll anticipate rains. It's not going to catch
25 us by surprise within an hour's notice. We'll see it

1 coming and take appropriate actions.

2 MR. COOPER: I'm sure we're going to have
3 monitors along that conveyor that goes across any spill
4 occurring, get it cleaned up right away because --
5 obviously that's nothing we'd want to do.

6 MR. BACH: Thank you.

7 FACILITATOR KERN: With respect to the --
8 that area that's clean that would be traversed, have they
9 considered some sort of fabric or something that --

10 MR. COOPER: They thought so.

11 MR. ULLENSVANG: I don't know quite the
12 configuration that they're going to put stuff down.
13 They -- they have talked about what they need to do, and I
14 just don't know what the particulars are.

15 MR. COOPER: Tethering it to the ground
16 surface could get --

17 MR. ULLENSVANG: Sometimes you can do things
18 at the conveyor versus on the ground. I don't know.

19 MR. COOPER: Oh, I see.

20 MR. ULLENSVANG: I don't know how they're
21 going to configure it, but I know it's something that's had
22 quite a bit of discussion.

23 FACILITATOR KERN: It seems like it's better
24 to keep it from hitting the ground. It's a lot more
25 difficult once it's on the ground.

1 MR. ULLENSVANG: And if they had done it
2 with the original strategy, there would have been clean
3 areas that would have had waste on them up at the top.

4 So it's -- it's not -- it's not like it's a
5 brand new concept. It's just a change of potential,
6 because the top area was much too tight to work on just the
7 pavement.

8 MR. BERMAN: Just an engineering question on
9 the horizontal connection.

10 It's fairly steep even two-thirds of the way
11 down, so the conveyor -- the vertical conveyors, they just
12 lie right on the slope.

13 Now you've got a conveyor that is on a -- I
14 mean, my pen is a conveyor and you've got a slope here and
15 you've got to support it in some way in order to keep
16 it -- the stuff from spilling off and to make it
17 upright --

18 MR. ULLENSVANG: Right. So they are -- the
19 legs are adjustable, so they -- it's a plate -- you know,
20 not the same shape, but about the size of one of these
21 tables that's a foot for the conveyor and there's at least
22 two of those on each conveyor and those can be leveled and
23 adjusted, and for the ones that's hanging down, that's
24 actually how they affix the conveyors on the hillside.

25 The cables go to feet, and I haven't seen

1 exactly how these are coming through, but when I looked at
2 it today, they have picked an area that's not too sloped to
3 rest them, so they are --

4 MR. BERMAN: So the adjustable wheels are
5 sufficient --

6 MR. ULLENSVANG: It's not even on a wheel.
7 So they assembled them -- for these conveyors, they're
8 assembling them in place.

9 MR. BERMAN: I see, but they can get enough
10 adjustment with the feet, so to speak, to make it
11 horizontal?

12 MR. ULLENSVANG: Devender was out there
13 today. They look pretty level to me.

14 MR. NARALA: Almost on slope plates.

15 MR. BERMAN: But I was wondering how they
16 kept them level -- my question really is how they keep them
17 level with respect to the --

18 MR. ULLENSVANG: To the hillside.

19 MR. NARALA: The one that's traversing right
20 now is pretty flat from what I saw. It's not really steep
21 at all.

22 MR. ULLENSVANG: I think they were building
23 it anticipating slope and making the legs different. Even
24 though the foot may be sloped, the conveyor is flat.

25 MR. NARALA: Very flat. I think we got some

1 pictures.

2 MR. BERMAN: I mean, it doesn't seem all
3 that difficult to do. It's only a couple hundred feet, you
4 know, so it shouldn't be a problem.

5 So these are just more or less trivial
6 questions just to get up to speed.

7 MR. ULLENSVANG: It's interesting. This is
8 a fairly exciting engineering project out there, and they
9 were assembling these as we were out there and they seem to
10 be doing -- going together okay. I didn't hear any
11 swearing.

12 MR. BERMAN: Well, they're getting paid
13 enough.

14 MR. COOPER: We'll send some good photos of
15 how this conveyor system is being constructed and how it's
16 connecting 2A with Baker Beach 1.

17 MR. BERMAN: Just speaking of photos, is
18 there an attempt to have a -- some kind of video record of
19 all the restorations so that one day, you know, when --
20 when your great-grandchildren want to come around and see
21 what you did when you were a young man, there can be some
22 kind of record of all that?

23 MR. COOPER: We're doing -- I think there is
24 being -- there's some videotaping being done of various
25 segments of the work, and we're also taking photos, at

1 least of Baker Beach 1.

2 We'll figure out some vantage point for 2A
3 where every two weeks we're taking a picture from the exact
4 same vantage point so you can start -- you can see a time
5 series of photos, as well.

6 MR. BERMAN: So you're planning to do that
7 for all the cleanup sites?

8 MR. COOPER: I guess it wouldn't be a bad
9 idea. Just -- for one and 2A, just a dramatic change. We
10 have taken photos of all of our cleanup sites at various
11 points.

12 Did we do it more in a thoughtful fashion as
13 we are at Baker Beach 1 and 2A? Probably not, but in all
14 of our landfill removal projects, we have pictures of
15 before and after, because I've done some poster boards on
16 that.

17 MR. FREY: All the ones that have that
18 restoration have structured photo points that have been
19 taken before and after periodically.

20 MR. COOPER: For the restoration phase, as
21 well. All that information will come in handy down the
22 road.

23 MR. BERMAN: When you go to court with
24 Zurich.

25 FACILITATOR KERN: I've been amazed on my

1 visits out there just seeing, you know, all this discussion
2 over the years of what people were thinking and then the
3 spiders and all that, and then it just got down to these
4 big excavators sort of leapfrogging this material up the
5 cliff and it is -- it's amazing to watch.

6 They're kind of in a rhythm, almost.

7 MR. NARALA: Really.

8 FACILITATOR KERN: They're just -- all just
9 getting in sync and this stuff is just going up the hill.

10 MR. BERMAN: What we discovered was probably
11 one of the reasons that the Army started that -- that dump
12 is because it looked like a nice big garbage container.

13 MR. COOPER: That's a theory, yeah. They
14 started filling that up, yeah, and there's -- you know,
15 there's a spring.

16 I think they line up -- Brian, the spring and
17 where we think the deeper section of the --

18 MR. ULLENSVANG: I haven't seen the spring,
19 but I think the spring is more a zone that's horizontal
20 across the hillside.

21 MR. COOPER: Oh, okay.

22 FACILITATOR KERN: Any other thoughts
23 about --

24 MR. BACH: How's the public response been in
25 the area, visitors and comments and just kind of general

1 cooperation been in that immediate area?

2 I think that was kind of something we talked
3 about and at least had initial concern to --

4 MR. COOPER: I've heard a little bit of
5 feedback from George on this. I think the first weekend,
6 you know, there were some people -- it's a good thing we
7 had set up this kind of elaborate outreach team.

8 There were people that wanted to go down to
9 the closed section of the beach and they were informed not
10 to go and they would say, "Okay" and then they would go,
11 anyway, and we've had to -- I think -- you know, then we
12 called the law enforcement folks and they've come down. I
13 think just one person has been cited.

14 MR. ULLENSVANG: I didn't know there were
15 any citations, but I think just a uniformed presence helps.

16 MR. COOPER: Right. Just kind of scares
17 them away.

18 I think that first weekend I heard was the
19 worst, and from then on, it's been better. Even Labor Day
20 weekend, I don't think there was any incidents.

21 MR. ULLENSVANG: It's very weather
22 dependent. The crews are working six days a week, so those
23 days people can see that there's something going on.

24 Sundays they've had a little bit more
25 difficulty keeping beach goers or people who want to use

1 the beach away, and then there's of course a real diversity
2 of folks that want to use it. Those that are very
3 understanding to those that are very hostile.

4 MR. BACH: Mm-hmm.

5 MR. ULLENSVANG: So I believe that for
6 Sundays when we don't have crews out there other than the
7 contract crews, that they are trying to put a uniformed
8 officer in the mix to help respond quickly if anything
9 starts to develop so it doesn't develop.

10 MR. BACH: But in general, you haven't had
11 any --

12 MR. COOPER: Nothing big -- well, no big
13 deals.

14 MR. BACH: No surprises.

15 MR. COOPER: No.

16 MR. ULLENSVANG: And the significant effort
17 to keep the perimeter patrolled with people who could
18 provide information seems to have been really helpful.

19 MR. COOPER: Yeah.

20 MR. ULLENSVANG: It really heads off a
21 problem and keeps people out of there that could be
22 dangerous.

23 FACILITATOR KERN: I think George mentioned
24 to me that people had knocked down the fence a few times.

25 MR. ULLENSVANG: There's been some issues.

1 The sign -- the "keep out" signs keep disappearing, yeah.

2 So there are issues. They're learning
3 how -- people who are providing difficulties and we're
4 learning how to deal with those people.

5 There are a number of people who are drug
6 users who want to use the beach and they're learning how to
7 recognize those people and help address them in a
8 way --

9 MR. COOPER: Yeah.

10 MR. ULLENSVANG: -- that is more
11 constructive than not.

12 MR. COOPER: And our enforcement of those
13 rules continues, and I think that we would be -- you know,
14 the fact that the slope has been extremely stable, we
15 haven't had any incidences of -- we were concerned that a
16 piece of concrete would, you know -- you know, dislodge and
17 it would roll down or a rock or something like that.

18 Nothing like that has happened, to my
19 knowledge.

20 MR. ULLENSVANG: But they stop work if
21 someone does break the security zone.

22 MR. COOPER: Work really does stop during
23 that time, huh?

24 MR. ULLENSVANG: If somebody gets on to the
25 beach, they stop.

1 MR. COOPER: But it's not a good thing.
2 That's downtime.

3 MR. ULLENSVANG: I think they're able to
4 keep people away pretty well.

5 MR. BACH: Has there been a record of that
6 happening one or more occasions where they've had to stop
7 production?

8 MR. ULLENSVANG: They have somebody on the
9 beach when they're working.

10 MR. BACH: I don't know if you noticed or
11 not, Craig, but in the last photo we had last month, in the
12 lower right-hand corner, it was just outside the perimeter
13 of the construction area, there was somebody on the beach
14 in the photo.

15 MR. ULLENSVANG: That may have been the
16 patrolling person who --

17 MR. BACH: Pardon me? I'm talking about
18 somebody on a beach towel on the beach in the photo.

19 MR. COOPER: Right.

20 MR. ULLENSVANG: They hadn't caught it.

21 MR. BACH: I don't think it's a police
22 officer.

23 FACILITATOR KERN: A patrolling person.

24 MR. ULLENSVANG: They weren't in uniform? I
25 don't think there's been a significant problem, but just

1 more of the normal sorts of occurrences.

2 MR. COOPER: Yeah.

3 MS. BLUM: Very stubborn.

4 MR. COOPER: Yeah.

5 FACILITATOR KERN: Are there other
6 observations? Jan, any thoughts?

7 MS. BLUM: Well, I'm just -- I was very
8 excited to go out on the second offering when it was so
9 clear. There were a lot of pelicans flying by and the
10 serpentine bluff was very clear to see, and as Craig
11 described it, there was a big hunk of serpentine and then
12 the two troughs on either side. So it's just going to be a
13 stunning site, I think.

14 It's really a spectacular piece of real
15 estate, and once it gets rehabilitated -- and I think
16 natural resources people are very excited about what's out
17 there already and will take plants really readily and it's
18 just going to be a stunning site.

19 Just from the point of view of beauty, it's
20 going to be one of the best places in the park, I think.

21 MS. PASSERO: I was wondering. How
22 accessible afterwards when it is rehabilitated -- you know,
23 how far will people get to see that? Down from below, you
24 can probably see it.

25 MR. ULLENSVANG: The coast turns around

1 enough so there are opportunities to look back on it.

2 MS. PASSERO: All right.

3 MR. ULLENSVANG: In the area where the
4 cleanup is going on, it will be a long time before it's
5 stable enough for people to put trails in there.

6 The idea is to keep the trails out of these
7 wild areas, but you -- from the place where people can see
8 it where the two trees are, you can look back on it and see
9 most of the site. There's plenty of bluff viewing
10 opportunities.

11 MS. BLUM: Brian, aren't there plans to have
12 not only the high trail, the coastal trail, but lower beach
13 trail, also?

14 MR. ULLENSVANG: I don't know where they
15 are.

16 MS. BLUM: I think there's been some
17 discussion about that.

18 MR. ULLENSVANG: But to the south of the
19 cleanups is the new batteries, the bluff trail --

20 MR. COOPER: Right.

21 MR. ULLENSVANG: -- which is just really
22 gorgeous.

23 MS. BLUM: South.

24 MR. COOPER: South of 2A.

25 MR. ULLENSVANG: So it goes about where the

1 fenced off construction and the detours are over to Battery
2 Crosby and that trail is now walkable and it's really just
3 a gorgeous setup.

4 MR. COOPER: Also, George told me that we
5 got our first set of soil confirmation samples back.

6 Have you heard about this, Brian? And they
7 were clean except for two. One -- we need -- we need to
8 study it.

9 One appears to have metals characteristic of
10 serpentine soils, and the other had chemicals of concern in
11 it, and we were looking at the possibility of -- you know,
12 because of vacuuming, basically the serpentine, to pull
13 that last -- some of the residual contaminated soil off of
14 it.

15 Instead of taking the excavator -- what we
16 typically do is just overexcavate and it's really kind of a
17 -- be banging right into that native serpentine bluff, and
18 what we really think it is, it's not stuff that's seeped
19 into the serpentine material, but it's residual soil that
20 was sitting on top that got into the sample.

21 So we'll give you an update on that as we
22 vacuum our way out of the site.

23 MR. CHESTER: Would you resample in that
24 area just in case there was cross-contamination somehow?
25 Because vacuuming could get kind of tedious.

1 MR. ULLENSVANG: They'll have to be
2 resampled after additional work's done.

3 MR. CHESTER: Yeah.

4 MR. COOPER: Yeah. I'll give you an update
5 on that, as well.

6 FACILITATOR KERN: Any other announcements?
7 Committee business. Mark is not here
8 tonight, and what he would have reported on had he been at
9 the committee meeting, which he wasn't at the committee
10 meeting.

11 Those of us that were there can tell you that
12 many of us went out to the Baker Beach site beforehand and
13 it was totally shrouded in fog, and so we heard things out
14 in the fog; you know, this creeking and (made noise) you
15 know, stuff moving around out there.

16 It was kind of spooky, but we didn't see
17 much, so we went back at other times.

18 We came back and we talked a little bit about
19 that process that was ongoing, and we had a long discussion
20 on building 937, which we'll hear a little bit of an update
21 tonight, and my recollection is we talked a little bit
22 about Mountain Lake, as well.

23 Any other -- so that was -- we'll review what
24 we talked about at the committee meeting tonight.

25 MR. COOPER: One last update on Baker Beach

1 1. Another RAP tour -- according to my e-mail, there's at
2 least one more left and probably more than that, but it's
3 September 14th, twelve o'clock meet in the 1750 parking
4 lot.

5 I think I've gotten one RSVP on that. I
6 forget who did that, but -- you know -- and September 14th
7 this Friday.

8 We were looking at trying to do something
9 during the day, during your -- if you can get some time or
10 an extended lunch hour from your work or if you're
11 available on the 14th, let me know.

12 David, I know that you said none of those
13 days work for you, so --

14 MR. BACH: Well, until I am on my bike
15 again, that's my main mode of transportation. I keep
16 watering this thing. It keeps getting bigger, but until
17 I'm back on my bike, then my mode of transportation is
18 limited.

19 MR. BERMAN: Since they're working six days
20 a week, is it possible to see anything on a Saturday?

21 MR. COOPER: Mm-hmm, yeah. I think, you
22 know --

23 MR. ULLENSVANG: Mm-hmm.

24 MR. COOPER: George lives in Marin. He
25 doesn't live far from the site, and Glenn Angel, I think

1 who you've met, is our construction oversight person from
2 MacTech.

3 MR. BERMAN: Who?

4 MR. COOPER: Glenn Angel. He's the same
5 person that was used at the Crissy Field restoration
6 project.

7 MR. BERMAN: So he's there on Saturday?

8 MR. COOPER: Yeah, to the best of my --

9 MR. BACH: I'd be interested in a Saturday.
10 Just a little more flexible to me because of my work
11 schedule. If something like that's orchestrated, I'd be
12 interested.

13 MR. COOPER: If you guys want to pick a
14 Saturday that works for the maximum number of people, I
15 could do it by e-mail, or if you two just want to talk and
16 pick a Saturday.

17 MR. BERMAN: Well, this Saturday is a
18 great -- you know, I thought I could make the Friday, but I
19 --

20 MR. COOPER: Can't make it.

21 MR. BERMAN: Don't think so. Only if it's a
22 last minute --

23 MR. COOPER: Let me check to see.

24 MR. BACH: Right. I could make it this
25 Saturday, too, if it was arranged. I didn't want to add to

1 your schedule, but if it was arranged, I'd make it.

2 MR. COOPER: If you guys did come on a
3 Saturday, like noon?

4 MR. BERMAN: That's fine.

5 MR. COOPER: Okay. I'll get back to you by
6 e-mail.

7 MR. FREY: Might have to take George out to
8 lunch.

9 MR. COOPER: Yes. Exactly.

10 FACILITATOR KERN: Totally an amazing
11 operation. I mean, there's this conveyor belt zooming by,
12 materials dropping in on it.

13 There are chunks of all different things and
14 a guy picking off pieces, big pile of random metal, all
15 different shapes, bottles and old things that the
16 archeologist folks are pulling out, little things, dishes
17 and bottles, kind of an amazing assortment of stuff. So
18 it's worth going out.

19 All right.

20 MS. BLUM: Just one note on that. I think
21 George Ford said that they found an eight pound cannonball.

22 FACILITATOR KERN: A cannonball?

23 MS. BLUM: You didn't hear that?

24 MR. COOPER: I have not heard that.

25 MS. BLUM: Unless he's pulling my leg. Not

1 a bowling ball.

2 MR. ULLENSVANG: Did you follow the
3 procedure?

4 MR. COOPER: I'm sure we did.

5 MS. BLUM: It's going to the archeology lab.

6 MR. COOPER: Watch it blow up.

7 MS. MONAGHAN: Makes you wonder what great
8 things we'll find in landfill E.

9 FACILITATOR KERN: I know. I'm motivated to
10 find out everything that's in that site.

11 MR. COOPER: Or landfill 2.

12 FACILITATOR KERN: Maybe there's --

13 MR. COOPER: That's a really old one.

14 FACILITATOR KERN: Maybe there's stuff in
15 there that you could drive away, even. Who knows?

16 Let's move on to item number 5. Did anybody
17 happen to bring the Caltrans letter? Oh, thank you.

18 I think Mark sent this out via electronic
19 mail, and I was -- I was astounded actually at this --

20 MR. BERMAN: Astounded is an understatement.
21 It's absolutely mind boggling.

22 FACILITATOR KERN: I -- it's as if they just
23 had the ability to kind of change their mind and make up a
24 story after the fact.

25 I mean -- anyway, I'm sure that most of you

1 have read this, and they seem to now be focusing blame on
2 people that might be suing them --

3 MR. COOPER: Now it's our fault for trying
4 to bring them to the table.

5 FACILITATOR KERN: Right. And so I guess
6 one thing that would be helpful to us is -- those of us
7 that got the letter together and then prompted, I guess,
8 getting this response, I mean, is there any basis from your
9 legal department for what they're saying here?

10 Can you tell us, is there anything in process
11 that they actually would need to wait around for until it
12 was resolved?

13 MR. COOPER: No, and -- I mean, first the
14 letter implied that they were just about ready to give us
15 the money --

16 FACILITATOR KERN: Exactly.

17 MR. COOPER: -- and then the Trust came in
18 and filed a legal action and then so we can't provide any
19 money right now, and we find that a little interesting
20 because at the first, you know, legal meeting -- I think
21 I've told you guys that we are, you know, in -- having some
22 legal settlement meetings with Caltrans right now, and
23 Caltrans --

24 MR. BUDROE: Craig, that letter doesn't say
25 that the Presidio's filing suit. It says the Army's filing

1 suit.

2 MR. COOPER: Mm-hmm, which they are -- well,
3 no one is -- has filed a lawsuit at this point in time.
4 There's just been, you know, letters about let's sit down
5 and resolve our legal differences before any legal action
6 is necessary.

7 So, yeah, did they just reference the Army?

8 FACILITATOR KERN: The Department was
9 notified by the US Army, the former property owner and
10 predecessor of the Presidio Trust of a potential lawsuit by
11 the Army of alleged contamination of Mountain Lake.

12 Well, it's not alleged. There is
13 contamination. That's -- there's no alleged part about
14 that. So -- and they're claiming that because the Army did
15 something, and as a consequence before Department staff can
16 take any further action, the Department's legal division
17 must assess what, if any, liability the Department has for
18 any Mountain Lake contamination.

19 Well, this was something that at the
20 beginning of the discussion, we were certainly interested
21 in having that bring together, but presumably that was part
22 of your discussions as who's going to share in what part of
23 the cleanup and things like that.

24 MR. COOPER: Right, and they -- what -- I
25 found that interesting because at this first legal

1 meeting -- and the only one that's occurred -- they
2 suggested that well, maybe we can use grant money to help
3 partially fulfill our share of any -- you know, they said
4 it in very legalese type thing, and so we were -- that's
5 what caused the most recent round of grant applications, in
6 fact, and we said, "Okay. We'll apply one more" -- and we
7 said, "How do we do this?"

8 "You have to apply again." I'm like oh, my
9 God. For the third time. Then we did, and they've written
10 this letter that makes it sound like that no, maybe we
11 don't want to use our grant money as a way to, you know,
12 resolve our legal differences.

13 We're getting really mixed signals from them.

14 MR. BUDROE: This doesn't say that the grant
15 was rejected. I mean, this letter says that the grant was
16 approved in 2004.

17 FACILITATOR KERN: Right.

18 MR. BUDROE: And, you know, what is -- what
19 it's essentially saying is "we approved the grant. The
20 Presidio didn't proceed in a timely manner. When it got to
21 the point where it became clear that the project couldn't
22 be finished by 2008, then we pulled the funding." That's
23 what this is in here.

24 So it's not saying there were multiple rounds
25 of grant applications going on. Essentially what it's

1 saying is, you know, we offered money to the Presidio and
2 they couldn't use it in time.

3 MR. COOPER: Mm-hmm.

4 MR. BERMAN: Is that correct? Did they tell
5 you that there was a time contingency tied to the money?

6 MR. COOPER: Well, if we remember, when we
7 applied -- first we just wanted storm drains. We could
8 have done a storm drains project.

9 Then the last minute they said, "No. You
10 can't do a storm drain project. You have to do that east
11 arm project that we set up as a backup."

12 Then it got transferred to -- Trust Natural
13 Resources asked for a time extension before implementing
14 that east arm project, and that's when they said no, the
15 money's going to expire and there's no time for that.

16 So if we had -- if they had told us from the
17 beginning that we could have used the grant money for our
18 storm drains project, we could have done the storm drains
19 project in the allotted time. That's what we were going
20 into, but -- so the letter doesn't tell the whole story.

21 They switched projects on us and then that
22 second backup project, they were right. We didn't -- we
23 needed more time to implement that than -- than the time
24 allotted.

25 FACILITATOR KERN: Well, since they focused

1 blame on the Army precipitating something, do you know that
2 the Army has done anything like that?

3 I mean, are you -- because we're totally
4 unaware of anything the Army has done. We received no
5 notice --

6 MR. COOPER: Yeah.

7 FACILITATOR KERN: -- that the Army did
8 something.

9 MR. COOPER: Yeah. I'm not too -- I'm aware
10 of a letter that had gone from the Department of Justice,
11 who is representing both the Army and the Presidio Trust,
12 so we have federal, you know, parties, and we have sent a
13 letter to Caltrans notifying them of what our belief that
14 there was a liability, but I thought that letter came from
15 the Department of Justice that was representing both
16 federal agencies.

17 MS. PASSERO: Is that letter available to
18 the public?

19 MR. BERMAN: The Department of Justice? You
20 got to be kidding.

21 MR. COOPER: It's a pretty, you know,
22 standard, you know -- there's nothing extraordinary there.
23 They just said hey, you know, your storm drain --

24 MS. MONAGHAN: Is it worth it to try to put
25 together a timeline so we know --

1 FACILITATOR KERN: That's kind of where --

2 MS. MONAGHAN: -- that we truly react to
3 that letter?

4 MS. NEWTON: I think the Trust should make
5 an official response to that letter regardless of whatever
6 legal action is taken to cover your butt and put in writing
7 to -- of what you understand the history to be, because if
8 there is a legal action, it's good to be able to go back
9 and retrace your steps.

10 MR. BACH: If you've got a paper trail that
11 you can go back and produce. There's been a lot of
12 interaction going on with this. I was going to ask a
13 question if Doug could just ahead and give us an Army
14 update.

15 Didn't you go to DC not too long ago?

16 MR. COOPER: Yes. That was to meet with the
17 Army about the Baker Beach 2A, our claim against the Army.

18 MR. BACH: Any chance that there's any
19 residual regarding that, any contact or connection there?

20 MR. COOPER: With the Mountain Lake project?
21 No. Oddly enough, at least at this point in time, the Army
22 and the Trust are basically on the same side right now
23 taking an action against the Caltrans. That's the way it's
24 going right now.

25 That doesn't mean that we withdrew our claim

1 against the Army on Mountain Lake. That just means for the
2 time being, we're trying to get this third party to the
3 table and we're using Department of Justice to do that, and
4 so --

5 MR. BERMAN: Craig, were there minutes taken
6 of that meeting that you were talking about where Caltrans
7 was present and --

8 MR. COOPER: No.

9 MR. BERMAN: No minutes. Was the Army
10 present?

11 MR. COOPER: Yes.

12 MR. BERMAN: So is there someone in the Army
13 that you can contact and ask if they took minutes?

14 MR. COOPER: Okay. Why? What do you want
15 to see?

16 MR. BERMAN: Well, because some of the
17 things -- if you want to prepare a paper trail here, some
18 of the change of plans and what things that were proposed
19 to be done were discussed at that meeting.

20 If there's no minutes and there's no record
21 of that meeting, then it's he said/she said. I mean --

22 MS. NEWTON: There's more than what's
23 transpired at that meeting.

24 MR. BERMAN: But that meeting in which a
25 change of course was considered.

1 MR. BUDROE: Well, you got to figure out
2 what you want to get out of all this, because if you read
3 this letter, the grant application and eventual --
4 essentially rejection is totally disconnected from whatever
5 the Army and/or the Presidio Trust has done as far as
6 establishing Caltrans' legal liability.

7 There is no connection between the two, so
8 the best you could do with this is if Caltrans totally
9 screwed up that grant application --

10 MR. BERMAN: Right.

11 MR. BUDROE: -- and put us in the position
12 that we couldn't get any federal money to do anything
13 through US DOT to do anything with Mountain Lake, then your
14 only real recourse would be essentially going back and
15 squawking at the State Legislature, for example, somebody
16 that would have oversight, and all you could really do is
17 say, "Do a better job next time," because that
18 opportunity's lost. You're not going to get that back.

19 MS. PASSERO: It might be important to them.
20 I think they're just saying, "Look, if you're going to come
21 after us this way, then we're not going to give you grant
22 money."

23 MR. BERMAN: Right.

24 MS. PASSERO: And so they're -- they're just
25 playing hardball.

1 MR. COOPER: Right. As if the grant money
2 has been flowing freely over the last several years.

3 MS. PASSERO: Yeah, but if you want to shine
4 a spotlight on them in the legislative process, you could
5 do that. It will probably just go aggravate them more.

6 MR. COOPER: I am going to --

7 MR. BUDROE: It doesn't matter.

8 MR. COOPER: -- ask my attorney -- John's
9 point about that, it makes the Trust look bad, that we had
10 an opportunity to spend a bunch of money and we blew it,
11 that we might need to write at least a clarifying letter on
12 that.

13 So if somebody picks up this paper trail,
14 they'll know what the story was on that original grant
15 application and why that -- the deadline happened, why the
16 money wasn't ever spent.

17 MS. BLUM: I don't think Sartipi was the
18 liaison for Caltrans. I think it was the other gentleman
19 whose name I kindly mispronounce.

20 MR. COOPER: Niedahl.

21 MS. BLUM: Mr. Sartipi may not be fully
22 informed as to all the events, I think as we discussed
23 before, and that there were some timing issues, and I think
24 Michelle brought this up several months ago, maybe six
25 months or maybe two years ago where grants had to be in to

1 the State of California by a certain -- grant applications
2 had to be into the State of California by a certain amount
3 of time in order to be in the annual budget, and we're not
4 I think in the RAB convinced that all of the deadlines were
5 met by our representative or that all the steps were taken
6 to see that we did get the grant money.

7 But in any event, I think James Ponton worked
8 for two years or something on that grant money and we were
9 assured it was available to us.

10 So I think we need to clear the record, if
11 not for any other reason than just to make sure that Mr.
12 Sartipi knows how the public entities are being dealt with
13 in terms of what's being told to them, when it's being told
14 to them, how clear it is or not clear --

15 MR. COOPER: Yeah.

16 MS. BLUM: -- so he can be more informed.

17 MR. HULTGREN: A quick comment here. To the
18 best of my knowledge, Caltrans has never firmly accepted or
19 approved our interest for -- for a grant, and since that's
20 the case, they could at any time say for whatever reason,
21 whether it's the Army or whether it's just they don't feel
22 well that day, they can say, "We don't approve your grant."

23 MR. COOPER: Mm-hmm.

24 MR. HULTGREN: The other thing is even if
25 they had at one point approved it, I think as long as we

1 have not relied on it to our detriment, they can withdraw
2 it.

3 So I think we're kind of beating a dead horse
4 here. It might be okay to send some kind of a letter to
5 them saying "we are very disappointed in the way you've
6 treated us," but I don't think we ought to feel that we
7 have any legal right to recourse against them or to
8 complain against them.

9 I think it's more a moral obligation than a
10 legal obligation.

11 MR. COOPER: You're right, Julian. We never
12 got a letter in writing from Caltrans. It was always just
13 statements do this, don't do this, change
14 the -- you know, always just verbal direction. Nothing was
15 ever written down in that whole process.

16 So they can re-create the -- you know, what
17 happened on their own because they never legally bound
18 themselves to anything.

19 FACILITATOR KERN: Michelle and then John.

20 MS. PASSERO: I think along the lines that
21 Julian was saying, maybe the RAB could just write a letter
22 expressing some disappointment so that wouldn't necessarily
23 get the Trust into -- you know, into a tight situation in
24 its ongoing negotiation with Caltrans, but RAB members as a
25 community know who was anticipating or looking forward to

1 the potential receipt of these funds about Mountain Lake
2 and express disappointment and mixed messages and that
3 could go to the budget chair.

4 They may ask questions about it, and then,
5 you know, just from the use of public dollars and how
6 Caltrans is managing its own program, you know, might be a
7 little embarrassed.

8 FACILITATOR KERN: Yeah.

9 MS. BLUM: And ask for guidelines.

10 MR. BUDROE: What Michelle's saying,
11 especially because what this was really was a lost
12 opportunity for Caltrans to funnel through federal dollars
13 to a project done here in the state, and essentially you
14 know, this is a load of bull.

15 They played around with it to the point where
16 the project couldn't be executed and they lost an
17 opportunity. That money's gone forever. So that's
18 money -- federal money could have been spent in California.
19 They blew the opportunity.

20 So yeah, I think the budget chair ought to
21 know about this --

22 MS. PASSERO: Mm-hmm.

23 MR. BUDROE: -- because they're not stepping
24 up to the plate and doing the job properly.

25 FACILITATOR KERN: Yes.

1 MR. BACH: To this end, is there any
2 money -- as much as we sugar coat or move -- as much as we
3 dance with them in a polite way -- to regenerate funds for
4 the lake project? Because clearly we want to get some, you
5 know, funding measure directed to there so that we can move
6 forward with the -- you know, the cleanup and so on.

7 MR. COOPER: Well, those --

8 MR. BACH: Bottom line, that's what's going
9 on.

10 MR. COOPER: The last set of grant
11 applications, they still stand. They're still valid, as
12 far as I'm concerned -- even though I have gotten a letter
13 back -- because there's this letter and then there's the
14 letter that the Trust got back from Caltrans, which I sent
15 to you guys, a very short one from Niedahl saying: "I'm
16 very sorry. None of your grant applications have been
17 approved."

18 So --

19 MS. PASSERO: We could find out.

20 MR. COOPER: I could write back to that one.
21 I could feel a little uncomfortable writing about a letter
22 sent to you guys.

23 You can just share it internally and make
24 sure we got our timelines straight. We don't have to put
25 it in excruciating detail, but major points that have

1 happened in the last three years.

2 MS. PASSERO: We could find this out in
3 terms of actually how much money they still have and
4 when -- if they have a new deadline for when it needs to be
5 spent.

6 So then in our letter back, you know, among
7 other things kind of flag -- we know you still have this
8 certain amount of money or you've just received this amount
9 of money through the federal program, and if it's matched
10 by any sort of state proposition fund -- I don't know how
11 it works, but just highlight and flag that.

12 They may have more time in the grant going
13 forward to do that and, you know, follow up with the
14 discussions.

15 MR. COOPER: Yeah.

16 MS. BLUM: I'm wondering if in the same
17 letter it would be appropriate to just say: "If we have
18 opportunity in the future, we would very much appreciate
19 your sending all of your qualifications and guidelines for
20 TEA grants to us so that we might do better next time."

21 Actually, wasn't that done by the Regional
22 Water Quality Board? Weren't they -- was it the Trust?

23 MR. COOPER: We did it. We had to hire a
24 consultant to even put the grant application together. So
25 we've invested a lot of time and, you know, upwards of 30,

1 \$40,000, maybe more in money in putting these grant
2 applications together, so --

3 FACILITATOR KERN: Craig, the letter that
4 was sent by the Department of Justice notifying Caltrans
5 that something was going to happen --

6 MR. COOPER: Mm-hmm.

7 FACILITATOR KERN: -- what was the something
8 and is there a process that will precipitate other things,
9 some sort of warning letter or can you
10 just --

11 MR. COOPER: You know, in the legal process,
12 there's something like hey, I've got a legal problem with
13 you. Let's agree not to sue each other for a period of
14 time and let's talk and see if we can sort this out, and
15 it's one of those type letters, and -- which has a deadline
16 associated with it, so --

17 MS. BLUM: So would the Trust legal
18 department be following up with this comment about the Army
19 suit with Caltrans? Who's following up on behalf of the
20 Trust?

21 MR. COOPER: Yeah. I'll follow up on that.
22 I'm assuming they meant Army represented by Department of
23 Justice.

24 MS. BLUM: I think what I'm saying is it
25 took us only five years or something to get the mustard gas

1 straightened out, and I hope that we could bring a shorter
2 conclusion to this particular issue.

3 MR. COOPER: Mm-hmm.

4 FACILITATOR KERN: All right.

5 MR. COOPER: I think just in general, to the
6 extent you do decide to write back, just express, you know,
7 your interest and concern and that you're going to stay
8 involved to see, you know, some conclusion on this.

9 I think that is a very important role, and whoever
10 you want to cc on your letter, if you're interested in
11 this, just continue to be involved, and if you think that
12 you got a letter that doesn't represent the record
13 correctly, write back.

14 The Friends of Mountain Lake are going to get
15 briefed on this project, as well. They asked for an update
16 on the Presidio Trust.

17 I'm not going myself, but I sent some
18 information from the Trust person and someone from the
19 Trust Conservancy was going to meet with Friends of
20 Mountain Lake later on this month, and I did say that if
21 Friends of Mountain Lake decide to write a similar letter
22 to Caltrans or whomever, that it get coordinated through us
23 so we're all kind of on the same page.

24 FACILITATOR KERN: Any other comments on
25 Mountain Lake?

1 The saga, I guess, continues for this. I can
2 think back to when we precipitated trying to get some
3 action moving with our resolution now years ago, and that
4 was already years into the process.

5 Mountain Lake is -- there's no worries about
6 whether we will hang in there about Mountain Lake. It's an
7 essential piece of -- it's an essential resource to the
8 community. There's a lot of people that care about it.

9 We do want to see the lake remediated and
10 restored, and there are going to be people here -- if it
11 takes another twenty years, we're going to figure out how
12 to get that done.

13 So we'll hope that it won't take twenty
14 years.

15 MR. BERMAN: Doug, just one --

16 FACILITATOR KERN: Yes.

17 MR. BERMAN: I think -- this letter is
18 addressed to the RAB.

19 FACILITATOR KERN: Yes.

20 MR. BERMAN: And so I think -- I think -- I
21 think it's important to clarify two things and make a
22 response.

23 First, there is no such thing as alleged
24 contamination and I think you need to specify the documents
25 that actually show that the contamination is there.

1 So I think -- I think it's important to
2 correct that because that -- you know, that's a factually
3 incorrect statement.

4 The other thing is Craig had indicated that
5 there was enough meetings and conversations that somehow
6 that deadline was not -- there was no warning that the
7 deadline would come up and action had to be taken in order
8 to preserve the money, and it would seem to me that
9 Caltrans has an obligation to the community if a grant is
10 going to be made for a remediation, that if, in fact, the
11 timing is such that the grant -- the grant would no longer
12 apply, that Caltrans has an obligation to -- to indicate
13 that with some warning.

14 I mean, they may not be legally required, and
15 that's why from the RAB, I mean, you can say that "it seems
16 to me that there was no warning and now this letter comes
17 saying it's too late and there's no warning, and it doesn't
18 seem to be a really respectful way of doing business."

19 FACILITATOR KERN: Yeah.

20 MR. BERMAN: And so, you know, I think -- it
21 seems to me those two points -- Michelle's idea of
22 responding I think is really important because there's some
23 issues here which need to be -- need to be corrected.

24 FACILITATOR KERN: Yeah. I completely
25 agree.

1 MR. BACH: Doug, to that end -- and I think
2 what Sam is saying -- are we absolutely sure that there
3 wasn't any notice that was given to us that told us that
4 the grant was moved forward and there's some kind of a
5 deadline on it?

6 And if not, maybe that's the wording that
7 we're looking for that "we would have been glad to have
8 taken action, but we received no notice, and if there was
9 notice and there's some paper trail or documentation on
10 that, you know, please inform us about that."

11 FACILITATOR KERN: I think there was a very
12 short notice to Craig and he jumped through hoops to get
13 stuff to them and spent some money --

14 MR. BACH: I meant paper notes. Some kind
15 of "okay. This has been approved. Here's your serial
16 numbers for these moneys. Go to the bank and pick it up."

17 MR. BERMAN: There's never been that
18 documentation.

19 MR. BACH: That's what I'm asking.

20 MS. PASSERO: I recall printing up some
21 information online and there were some guidelines in there.
22 So probably printing out that information again, even to
23 see if they've even followed whatever is published.

24 MR. HULTGREN: Did we ever get any
25 engineering design on this -- on what we were going to do

1 with this project?

2 MR. COOPER: On the storm drains project?

3 MR. HULTGREN: Yeah.

4 MR. COOPER: Yeah, mm-hmm. There was at
5 least a -- in our grant application, we went as far as a
6 preliminary design. It wasn't a plans and specs level
7 thing.

8 MR. HULTGREN: That's what they're talking
9 about here.

10 MR. COOPER: Yeah.

11 MR. HULTGREN: They're talking about an
12 absence of -- let's see. What was it? Something about the
13 design and construction of this grant project was not
14 complete. It was not sufficient or something like that.

15 It's not well written, but it seems like
16 they're talking about that, which is not necessarily our
17 fault, but I think it gives them a -- an out that they're
18 seizing on here to say --

19 MR. COOPER: Yeah.

20 MR. HULTGREN: -- you didn't have your
21 construction ready to go or your construction plans ready
22 to go so you could do this work in 2008, so therefore, too
23 bad, which is -- I think is not our fault at all, but I
24 think they've used that as their justification.

25 MR. COOPER: Right.

1 FACILITATOR KERN: Well, I can check with
2 Craig about if they -- if they specified -- getting back to
3 what Michelle said, some sort of delivery condition for the
4 grant.

5 Was there something, some plans and specs
6 level thing?

7 I mean, my understanding from talking to you
8 the whole time, it was always just concept, a lot of the
9 stuff --

10 MR. COOPER: Right.

11 FACILITATOR KERN: -- that they would
12 require.

13 MR. COOPER: There was a level -- a design
14 level necessary for the grant application. Remember that?
15 It was a pretty thick document.

16 If you look, we had some very preliminary
17 designs of how we were going to do the slotted drains
18 across the highway, route them over and have them go over
19 some oil/water separator, things like that.

20 We had a conceptual level, feasibility level
21 kind of design that we had in our application, and
22 everything was verbal.

23 Once your application was approved, then you
24 would take it to a next level, an engineered design, and we
25 never got a letter -- a written letter back from that

1 original, you know, 2005 -- it was always just verbal
2 direction from there saying: "Don't -- your Highway 1
3 project's dead. Start thinking through putting together
4 something for your east arm project," and that's the one
5 where we couldn't come through on a design.

6 MR. HULTGREN: I think then our letter
7 should make some factual comment -- I don't know how to
8 word it here at all, but about the fact that we felt we had
9 complied with their requirements.

10 MR. COOPER: Yes.

11 MR. HULTGREN: And we're very disappointed
12 that they added some other requirements or didn't say --
13 didn't advise us of what was needed.

14 MR. BERMAN: But Julian, how can the RAB say
15 that? The RAB can only say that it's our understanding --

16 MR. HULTGREN: Oh, okay.

17 MR. COOPER: It's our problem.

18 MR. BERMAN: Right.

19 MR. HULTGREN: True, but they are sending
20 this to the RAB --

21 MR. BERMAN: Right, and so -- so the
22 response --

23 MR. HULTGREN: -- saying the Trust didn't do
24 this, that and the other thing. I think you're right. We
25 understand that.

1 MS. PASSERO: Do you believe that Caltrans
2 was doing all this originally in good faith?

3 MS. NEWTON: Excuse me? What was that?

4 MS. KRAMER: Whether they're doing this in
5 good faith.

6 MR. COOPER: Yes.

7 MS. PASSERO: I know they don't have a very
8 good reputation with a lot of people. I'm just curious if
9 there's a pattern at all. You know, so --

10 FACILITATOR KERN: Toni.

11 MS. KRAMER: It also seems that if they did
12 say -- if they're saying that they approved a grant, then
13 there must be some paper trail on their side where they
14 must have given some sort of written approval or conditions
15 of approval or documentation.

16 Because it seems to me that any planning
17 agency, counties, cities, all that, there's always a
18 document --

19 MR. COOPER: Mm-hmm.

20 MS. KRAMER: -- that describes what has been
21 approved or denied, and it's almost as though you should be
22 able to ask them for -- for that documentation.

23 MR. COOPER: Right. I'm not aware of
24 anything.

25 MR. HULTGREN: It's really not going to make

1 any difference, because as long as we hadn't done something
2 in reliance, they can say something like this and say:
3 "Well, you didn't meet the requirements for the grant, and
4 for whatever reason, you know, we're going to withdraw our
5 grant or we're not going to give approval."

6 So it doesn't really matter what they
7 might -- at this point as I see it.

8 MR. COOPER: Yeah.

9 MR. HULTGREN: The main thing is -- what's
10 encouraging here is that the Army and the Trust, I guess,
11 are taking on Caltrans.

12 MR. COOPER: Yes.

13 MR. HULTGREN: And that's the best thing
14 that could happen for all of us, and I hope that they will
15 get something out of that that is a lot better than a
16 \$650,000 grant.

17 MR. COOPER: Right.

18 MR. BUDROE: Well, two things. One is after
19 -- having written the Federal TEA grant stuff, I always
20 thought that is the storm drain project was going to be
21 acceptable by DOT as a project, and that might be one thing
22 where they thought yeah, we could -- this will work, and
23 then somebody really looked at it closely and said, "Well,
24 maybe it won't work" and Caltrans might have been on the
25 hook for that grant money with the few days, because DOT

1 could say, "No, you shouldn't have approved that project"
2 and given it back.

3 MS. NEWTON: Then it could have been
4 Caltrans --

5 MR. BUDROE: Caltrans might have gotten a
6 hit from that. That was a pass-through. This was DOT
7 money that they were passing through. That's a
8 possibility.

9 If we really want to find out -- if it's
10 worth us to play hardball enough to find out exactly what
11 they've got, we could always file a public records act
12 request, which is the state equivalent of FOIA and dig a
13 lot of that stuff out, but like I said, if you do that,
14 you're essentially declaring that you're going to play
15 hardball on that issue, and it might be worth it, but --

16 MS. NEWTON: Well, the RAB could do that.
17 Yes?

18 MS. PASSERO: Yeah.

19 MR. BUDROE: The RAB sure could.

20 MS. BLUM: I think I missed something. Are
21 we absolutely clear that the Army has filed a suit with
22 Caltrans on this issue?

23 MR. COOPER: There's no lawsuit. There is
24 no lawsuit filed.

25 MS. BLUM: So I don't think we're clear that

1 we know what's going on at this point, then.

2 MR. COOPER: There was just the one letter,
3 and I'll find out if it was signed by the Army or the
4 Department of Justice about -- it's a very typical letter
5 when parties feel they have share of legal liability for an
6 environmental, you know, problem, it says let's sit down --
7 let's not sue each other for a given period of time and see
8 if we can work out a negotiated settlement, and that is a
9 very typical -- shouldn't be a really surprise to anybody
10 that knows this type of process that that type of letter
11 was. It's a way to get them in to a negotiating table.

12 So there's been no lawsuit filed. If there
13 was a lawsuit filed, that becomes a public record and it
14 gets filed in the courts and all that kind of business and
15 we can be handing out copies of it.

16 MS. NEWTON: But it gave them a great excuse
17 to blow off the RAB letter. It's not a lawsuit, but it
18 gave Caltrans a good excuse to say, "Well, we can't really
19 talk anymore about it because something else is going on."

20 MR. COOPER: Right.

21 FACILITATOR KERN: I'm going to take the
22 step of at least drafting something in response to this
23 letter in detail, something that corrects the record and
24 clarifies different points, and I never underestimate what
25 our organization can do in terms of their -- of the quality

1 letter writing that we do and who we target.

2 So I don't want to feel like this is the end
3 of the -- of the discussion. We just have to keep nudging,
4 and as Julian says, there's this other process which we
5 hope will --

6 MR. COOPER: Mm-hmm.

7 FACILITATOR KERN: -- also be continued in
8 some fashion that this letter that has come from DOJ will
9 also be followed up by the appropriate people.

10 MR. BERMAN: Just another explanatory
11 consideration. It could be that since a contamination
12 occurred while the Army owned it before the Trust took over
13 and the Army owned the Presidio, it could be that the
14 Army's only involved because the contamination occurred not
15 only during the Trust period of ownership, but during the
16 Army's ownership of the Presidio.

17 So in the point of view of some kind of -- of
18 obligation to do something about the cleanup, it could be
19 that the Army is simply included as a -- as a prior owner
20 and that the Army itself has not ever done anything.

21 MR. COOPER: Oh, right. The Army has legal
22 liability. It's one of the parties --

23 MR. BERMAN: Right.

24 MR. COOPER: -- you know.

25 MR. BERMAN: But the Army may have not --

1 may have not done a thing to instigate that letter.

2 MR. HULTGREN: Haven't we made a claim
3 against the Army?

4 MR. COOPER: Yeah. Our attorneys, Army
5 attorneys -- Presidio Trust attorneys are coordinating with
6 the Department of Justice.

7 MR. BERMAN: So the Army is not passive in
8 this?

9 MR. COOPER: Not passive.

10 MS. BLUM: All right.

11 MR. BERMAN: All right.

12 FACILITATOR KERN: Very well.

13 RAP4 progress. Check the time here and
14 schedule.

15 There has been a -- a lot going on thinking
16 about landfill 8 and 10, RAP4, the firing ranges. Time is
17 passing. There is -- there are a number of things that
18 need to be done to move this project ahead, and Craig I
19 think is considering a bunch of those things within the
20 greater --

21 MR. COOPER: Right.

22 FACILITATOR KERN: -- schedule.

23 What do you have? What are your thoughts?

24 MR. COOPER: Well, as you know, we've handed
25 out on accelerated RAP4 schedule at -- a couple months ago.

1 It was at the last Summit meeting, as well, where we're
2 hoping and targeting to get a summer of 2008 construction
3 start for the landfill 10 project, and for us to meet that
4 goal, there's a lot of things that need to happen and
5 before so, and the first thing was to do some additional
6 characterization of groundwater at landfill 10, and we
7 prepared a field sample plan, first strategy document that
8 we sat down with DTSC.

9 This was required by DTSC, and now we sent
10 out the field sample plan itself that just was released --
11 people should be getting it or got it like yesterday or so.

12 FACILITATOR KERN: I got mine yesterday.

13 MR. COOPER: And so it was basically that
14 investigation is necessary. I mean, the data from that
15 investigation before we can then sit down with DTSC and all
16 the stakeholders to kind of then say, "Does this data make
17 us think differently about the remedies recommended in that
18 draft feasibility study?"

19 So that's -- that's what's active right now,
20 that we have this field sample plan that just got sent to
21 DTSC, that it's pretty a aggressive investigation.

22 We're putting in many more groundwater
23 monitoring wells. We're going to also -- also in this
24 plan, we're going to delineate landfill 8 better, but it
25 was the two things that DTSC had asked for that they needed

1 the data on before they could even reconsider saying that
2 "okay. Your remedies are okay" or "you need to rethink
3 your remedies."

4 And so that's what's going on right now and,
5 you know, is it going as fast as what the accelerated RAP4
6 schedule had said? It's not. There's slippage going on in
7 that process, and so to the extent of, you know, we need to
8 watch that, if it's Trust project managers and consultants
9 not turning documents around fast enough or DTSC not, you
10 know, commenting on things, we need to really take a look
11 at that process to make sure we're all keeping to our
12 commitment from the Summit meeting of -- of pushing through
13 those activities so we can get to the RAP and then get to
14 construction.

15 So I guess that's the first thing I'd like to
16 say. Maybe we should stop there.

17 FACILITATOR KERN: Well -- and so right
18 along those points, I mean, we have a Summit meeting
19 scheduled for early October, October 4th.

20 MR. COOPER: Mm-hmm.

21 FACILITATOR KERN: Well, it's about three
22 weeks or so, and so that would be a time when we could
23 discuss what are we going to do? Are we going to try to
24 crank ourselves into doing something around this RAP or --
25 next year's construction season? Are we going to partially

1 delay it? Are we going to do something later in the
2 construction season? Can we -- how can we manage this so
3 we still have stuff to work on next summer, and if it's
4 hopeless, is there something that we could insert instead?

5 And I think we should still, you know, gear
6 ourselves up for doing something by -- so we have something
7 to report on at the Summit meeting.

8 MR. COOPER: Mm-hmm.

9 FACILITATOR KERN: One thing that occurs to
10 me if -- if it's just too complex -- I mean, most of the
11 remaining projects are complex. They're big, difficult and
12 they're all important, and there's just going to be one
13 after another until we spend all the money.

14 So I'm wondering do we propose a separate
15 project of, say, Lobos Creek? Is that something we could
16 get our arms around by next year? Is that a potential?

17 Anyway, I think we should get our -- you
18 know, get some thoughts together, have some sort of meeting
19 around what strategy the group feels that they can
20 accomplish so we have a message for the Summit meeting.

21 MR. COOPER: Mm-hmm.

22 FACILITATOR KERN: That's some of my
23 thoughts.

24 MR. BERMAN: Is it conceivable to think of a
25 reduced RAP4, taking out 8 and 10?

1 FACILITATOR KERN: The RAP4 is principally
2 8, 10 and firing ranges. So you'd be left with the firing
3 ranges.

4 MR. BERMAN: There's a couple of other sites
5 in there, too.

6 MR. BACH: Nike?

7 MR. COOPER: No. That's it. We're going to
8 have a lot of construction going on in 2008, but it's spill
9 -- it's going to be projects from RAP number 3.

10 MR. BERMAN: Oh, okay.

11 MR. COOPER: We'll have construction
12 probably going on. Ryan Seilbach, the project manager from
13 my staff, on area B RAP3 sites is -- we're going to meet
14 with the RAB, with you guys in two weeks at the committee
15 meeting and talk to you about how the designs for those
16 area B sites are coming along, and I think that the design
17 is coming along quite well and we hope to be sending it out
18 to DTSC very shortly.

19 And so we hope to even get -- maybe if things
20 go right -- construction started very late this calendar
21 year on some area B sites.

22 As you know, there's like twelve of them.
23 It's going to take upwards of nine to, you know, twelve
24 months to get them all done. So there will be construction
25 going on on CERCLA sites in 2008.

1 And then as you -- I can do an update. We
2 hope to start two big petroleum cleanups later on this
3 year, at 1349 and 1065 and then we'll have another
4 petroleum cleanup at 237/231 at the summer of 2008.

5 So it may not be the construction project --
6 we really want landfill 10 as well to be in the summer of
7 2008, but if -- if we can't do it and it goes to summer of
8 2009, there will be some other activities going on for sure
9 in 2008.

10 FACILITATOR KERN: Was that -- yes.

11 MS. MONAGHAN: I have in my notes that we
12 talked about the RAP4 field sampling in July. I'm trying
13 to figure out what progress we've made since July.

14 MR. COOPER: Mm-hmm.

15 MS. MONAGHAN: The last two months on the
16 field sampling plan.

17 FACILITATOR KERN: I received the plan
18 yesterday.

19 MS. MONAGHAN: Okay.

20 FACILITATOR KERN: And we would expect to
21 comment on it and then approve it and get into the field,
22 and if all that were to go well -- the problem is I think
23 in the meetings that I've been in where Bob will comment is
24 the need to -- after you get that first set of data is that
25 it will -- you'll need to go get more data.

1 In my opinion -- I mean, it just seems like
2 we need to get the first bit of data as quickly as we can
3 so we can get that -- message that preliminary concept
4 further than it is and just keep working that with Bob.

5 So it's -- principally there is one well with
6 hexavalent chrome in it, and what we're trying to do is see
7 if that's due to natural occurrences or if there's a --
8 proof that it's not going away from the landfill.

9 We have one well that's between that well and
10 Lobos Creek to test where it's really migrating towards the
11 creek and really figure out -- we can just isolate this
12 problem and then decide what to do with it, and we -- we're
13 not going to get anywhere with landfill 10 until we satisfy
14 that issue to Bob, because he is convinced that as a
15 regulator, he will not allow any threat to the drinking
16 water supply.

17 MS. MONAGHAN: Mm-hmm.

18 FACILITATOR KERN: And that's just a hurdle
19 we've got to jump over, so --

20 MR. COOPER: And we've been using the
21 integrated team approach. We sat down with Bob and
22 everybody in the room, you know, and when we do field
23 sample plans, we have this whole strategy of trying to get
24 the first plan out the door right.

25 So we send out a strategy document first

1 called a data quality, that we did within two weeks of that
2 sit-down scoping meeting. It went out the door.

3 We really wanted people to engage on that and
4 comment on that before we sent out the full-blown plan,
5 because we invested our consultant cost into that, and it's
6 a lot easier to get comments on the strategy document if
7 the plan gets right the first time.

8 I didn't get any comments from Bob on the
9 strategy document. I know he's been super busy at the same
10 time, and so that's kind of depending on -- I sent him an
11 e-mail saying: "I didn't get any comments from you, so I'm
12 sending out the plan."

13 Now if he has a whole bunch of comments on
14 the plan, I'm going to freak out.

15 MS. NEWTON: When did you send that out?

16 MR. COOPER: The plan? It just arrived in
17 people's mailboxes a couple days ago.

18 MR. ULLENSVANG: I haven't gotten mine yet.

19 MR. COOPER: Yeah. So it's tough. I mean,
20 I know we've done a lot of these reforms to try to get
21 plans right the first time and we're trying to get it
22 right, but everybody's stretched thin, and I know Bob has
23 been super involved in the Baker Beach 1 and 2A designs and
24 really working with us to make that happen.

25 DTSC had a lot of concerns, and I know that

1 really distracted him over the last couple months.

2 MS. MONAGHAN: I know DTSC made a commitment
3 to keep on the accelerated schedule, so now they have to
4 perform.

5 FACILITATOR KERN: That's right.

6 MR. COOPER: Yeah.

7 FACILITATOR KERN: And I'm cautious about
8 letting the schedule slip, just because it's getting hard
9 to get Bob to respond.

10 I mean, yes, there's this major construction
11 project going on and there's -- our next agenda item, the
12 937 cleanup is taking some of his brain cycle, but I would
13 like to hold on to the possibility that we could do this,
14 and I know Craig is -- he's just being pragmatic.

15 So there's a tension developing and we've got
16 to get Bob in the room and hammer that out, because we did
17 make a -- we made a commitment to do this by next year.

18 MR. COOPER: Yeah.

19 FACILITATOR KERN: And it was to carry on
20 the momentum that we had developed as a team and got RAP3
21 done and we were just going to keep cranking out these
22 documents based on the goodwill that had been developed.

23 So --

24 MS. MONAGHAN: I understand that Bob's boss
25 committed to it.

1 FACILITATOR KERN: Yeah.

2 MS. MONAGHAN: So now if Bob doesn't have
3 time to work on it, then it's time for them to cough up
4 somebody else, right? He should be able to manage somebody
5 else and do Baker Beach 1. Right?

6 FACILITATOR KERN: Well -- and that's --
7 that's the response I was hoping to get from -- from all of
8 you that there's a chance you'd like to see us put a
9 backbone into our spines --

10 MS. MONAGHAN: Yeah.

11 FACILITATOR KERN: -- and see if we can't
12 crank it out.

13 So I'm going to hold out hope that we can
14 still do that.

15 When Bob returns from his climbing adventure,
16 he should be highly energized or completely without energy.

17 MS. BLUM: Immobilized.

18 FACILITATOR KERN: And need a month of
19 rehabilitation.

20 MR. COOPER: You know, you're right. I'm
21 getting a little frazzled about whether we're going to make
22 the summer 2008, but we have just submitted -- you know
23 this envirostore schedule, and that is the way to get the
24 public involved in overseeing an enforceable schedule of
25 that federal facility, you know, remediation site.

1 So the last I heard from Bob is that he was
2 going to input -- I sent him a revised enviorestore schedule
3 that pretty much matched our planning schedule plus one to
4 two months.

5 So if that got inputted into the DTSC
6 official schedule and then we could post it on a public
7 Website, that is, you know, a way for the public to get
8 involved in monitoring people's turnaround times, yeah.
9 Both DTSC and Trust. It's both.

10 MS. MONAGHAN: Yeah. So who in the Trust is
11 responsible for the field sampling plan design and
12 implementation?

13 MR. COOPER: Genevieve Coyle.

14 MS. MONAGHAN: That's what I thought.

15 FACILITATOR KERN: The main reason to be
16 alerting everyone tonight is this is the last formal public
17 RAB meeting we'll have before the next Summit meeting.
18 We'll be able to comment on this.

19 Hopefully Bob will be back, Brian and Craig
20 and I will be able to get with Bob and hammer some of this
21 out and see if we can't pull a rabbit out of a hat and get
22 this done.

23 The plan is done. I think Craig is spot on
24 about will Bob have -- now that he has this document, will
25 he find things in it?

1 And I guess I would just say Brian and I can
2 work with Craig to help Bob to work through issues that he
3 has and still make a deadline. I think we can do that
4 because that's what we had to do for RAP3.

5 All kinds of things came up at the end that
6 were -- we didn't have to write a document about. We had
7 no chance to bring a document. We just had to do the deals
8 and call the people that needed to be called, and
9 I -- I really want to see if we can continue to urge
10 ourselves forward.

11 It's -- it's so easy to let things slip and
12 it's a slippery slope.

13 MS. MONAGHAN: Well, I would think that a
14 goal -- sorry. I would think that a goal of the Summit
15 would be to get DTSC to commit to a response to this and
16 allow either prove it with subsequent testing that maybe
17 has to be done.

18 If the plan's done, let's do it.

19 FACILITATOR KERN: Yeah.

20 MS. MONAGHAN: Let's do it, and they should
21 commit to it.

22 FACILITATOR KERN: Julian.

23 MR. HULTGREN: When it comes to the point
24 that it appears that it's not going to be possible to do
25 this on a plan basis, you know, for 2008, then my question

1 would be this: Is it possible -- is it necessary to do 8
2 and 10 at the same time in the same season?

3 FACILITATOR KERN: There has been discussion
4 among the parties --

5 MR. HULTGREN: Yeah, and if it's not -- let
6 me finish and then you can answer.

7 FACILITATOR KERN: Sure.

8 MR. HULTGREN: If it's not, then which of
9 the two would be more important to do and would it be
10 possible to do just one of them on a fallback basis?

11 FACILITATOR KERN: I think there are
12 possibilities, but it's always been visualized that because
13 part of the remedy is on graded area 9, that big pile of
14 sand and then the mobilization of crews for both sites
15 would be economical, so there's economics involved in just
16 trying to do something simultaneously, so you get them done
17 and then the sand flows on to both and you kind of wrap up
18 the whole project.

19 That's been the discussion, but I think we
20 should keep in mind, you know, get something done, and that
21 is what happened with RAP3, actually. It was bigger and we
22 had to whittle off pieces to get the thing done.

23 Jan.

24 MS. BLUM: My suggestion would be if you do
25 see this slipping, at some point it seems to me that you

1 would have to bring Jeff Deis into the picture, because the
2 Trust has a lot -- multi millions of dollars invested in
3 the rehabilitation of the Public Health Service Hospital,
4 and if we don't move on the cleanup surrounding this area,
5 that will put this humongous piece of real estate at risk
6 and the Trust at economic risk.

7 So I think it also would be a good idea to
8 give yourself a mental deadline that you can manage, and if
9 that isn't reached, that you bring upper management in.

10 MR. COOPER: Yeah.

11 MS. BLUM: Because they have so much more
12 than just this remediation.

13 MR. COOPER: Jeff would -- it's his number
14 one thing in the remediation program is landfill 10. He's
15 made that clear in Summit meetings and to everybody, so --

16 MS. MONAGHAN: From where I sit, you guys
17 did what you said you were going to do. Now DTSC's got to
18 do it.

19 FACILITATOR KERN: I'd like to spend a
20 little bit of time updating -- thank you, Jan, for those
21 comments.

22 Updating people on this 937 site because it
23 is coming up in the priority scheme pretty high.

24 There is a development project going on
25 there, a winery, restaurant venue type situation and a very

1 interested developer, but there are some significant
2 cleanup issues that need to be dealt with.

3 So this is the cream floating to the top of
4 the milk that needs to be dealt with pretty rapidly.

5 So at our committee meeting, Genevieve went
6 through a lot of the details. Craig, can you just give us
7 a --

8 MR. COOPER: Short.

9 FACILITATOR KERN: -- synopsis for those
10 that weren't there?

11 MR. COOPER: For those that weren't there
12 after this meeting, if you want the handouts from the
13 committee meeting, I have seven or eight packages here. If
14 you weren't at the committee meeting, you can come and grab
15 a copy of that.

16 Basically, as you know, that there is
17 perchloroethylene vapors trapped underneath the concrete
18 floor slab in building 937, and that -- we need to remedy
19 that.

20 That environmental contamination is a
21 chemical spill from the Army and the Trust is responsible
22 for taking care of that -- that problem, and we -- I'll
23 just cut to the chase here.

24 Our recommended remedy is that we remove the
25 floor slab, we move the sand that the concrete slab was

1 built on and inspect the native soil underneath the slab,
2 do any type of hot spot excavation if any chemicals have
3 seeped into the native soil underneath the floor -- the
4 building foundation, lay -- put in a -- what's called a
5 soil vapor extraction or a sub slab pressurization type
6 system and replace the concrete flooring, and some of that
7 work will be in coordination with the building developer
8 who's going to be doing various seismic stability and
9 upgrades to the building, as well.

10 And so we've been working with the building
11 developer how we can bring our designs together so it's
12 done in a very efficient fashion, and at the same time
13 we've been meeting with DTSC with respect to what
14 regulatory decision documents need to get put in place
15 before that remedy that I just described to you happens.

16 And so DTSC has said that we could use a
17 document called a Removal Action Work Plan. It's like --
18 think of it as a little mini RAP type thing, and we're
19 working with DTSC as to what level of CEQA documentation is
20 necessary, but we definitely are, you -- you know, want to
21 keep the RAB fully involved in every step of the way as to
22 what goes on there.

23 That will only -- the more that we keep you
24 involved, it will keep DTSC comfortable in kind of
25 streamlining the regulatory documents.

1 If at any point you don't feel comfortable,
2 let me know, because that will make DTSC think we got to
3 slow down here and think things through more.

4 Let me know if you want to comment on that
5 remedy. It shows where the chemicals were taken, and at
6 the very back, there's preliminary tables of alternatives
7 that we're thinking things through.

8 FACILITATOR KERN: I can't think of another
9 remedy that would be better. I mean, you'd have to knock
10 down the building completely to do a more --

11 MS. MONAGHAN: Right.

12 FACILITATOR KERN: -- thorough job,
13 which -- so I think there the only issues would be around
14 the remaining base of the building.

15 MR. COOPER: The perimeter foundation,
16 yeah, mm-hmm.

17 FACILITATOR KERN: But other than that, I
18 think it's the most feasible thing that they can do.

19 MR. BACH: One of the big questions was the
20 drain and where it goes.

21 MR. COOPER: Mm-hmm.

22 MR. BACH: And so that would also be
23 ultimately, I think, an external around the building issue
24 as to where that deposit is and where it may continue or
25 not.

1 MR. COOPER: Right. The drain is definitely
2 going to be that old, you know, floor drain in the middle
3 of the building that's going to get pulled and we'll follow
4 it -- we think we know where it goes, but we'll find out
5 exactly where it goes when we pull up the building
6 foundation floor slab, and we can see exactly where it
7 goes.

8 All those will get pulled and then we can
9 look underneath the floor drains to see if the floor drains
10 leak, which often happens.

11 MR. CHESTER: Is the drain going to be
12 investigated beyond footprint or this particular remedy is
13 focusing on the building itself?

14 MR. COOPER: Yeah, it --

15 MR. CHESTER: If it looked like the drain
16 wasn't a conveyant source, then you just stop --

17 MR. COOPER: At the foundation. I assume we
18 would follow it. If there's a concern that it carried PCE,
19 you know, we should follow it because at the -- where it
20 connects, you know, there could have been a leak there.

21 We think it connected to a sewer line that
22 runs right along Mason Street. So we don't think it
23 went -- the building 937 sits right there, so if -- if it
24 connects where we think it connects, we'll follow it
25 straight out to the Mason Street sewer.

1 MR. BACH: Certainly there will be a
2 condition to what you find.

3 MR. COOPER: Yeah. It sounds like an early
4 comment on the removal action work plan is to follow that
5 drain and remove it wherever it may go, and I'll worry
6 about that and make sure my consultant is aware of that,
7 and it sounds like a reasonable request to me.

8 MR. BERMAN: Is there no way that the
9 excavation can be done from the side without actually
10 removing the -- start from the side and excavate underneath
11 the slab itself?

12 MR. COOPER: Based on our environmental data
13 -- you'll need to look at that. It looks pretty clean
14 around the outside of the building.

15 It looks like the chemicals went down the
16 floor drain and leaked out of the drain or somehow went
17 through cracks in the concrete.

18 We think that it's pretty squarely underneath
19 the --

20 MR. BERMAN: Right.

21 MR. COOPER: -- floor itself.

22 MR. BERMAN: Are the vapors coming from the
23 concrete floor itself or something below it?

24 MR. COOPER: Below it.

25 MR. BERMAN: Why can't you just leave the

1 slab in place and dig from the side?

2 MR. COOPER: Not dig from the side, but suck
3 out the vapors from the side?

4 MR. BERMAN: Yeah.

5 MR. COOPER: That is -- in fact, that's a
6 more typical way of doing it, you know, but after talking
7 to the developer, and they -- you know, we would still have
8 to trench, you know, to put our vapor extraction system.
9 We would still have to trench in the concrete slab
10 ourselves, and then talking to the developer, he says, "I
11 need to put in a kitchen and a bathroom and I'm going to be
12 need to be trenching in utilities," and by the time we
13 finished our conversation, we realized we're trenching the
14 heck out of this concrete slab, and we'll see if we can
15 pull everything out and do more of an efficient remediation
16 itself.

17 That action is going to be considered in the
18 Removal Action Work Plan, but I'll give you a heads up
19 we're probably not going to select it. We're going with
20 the level with slab removal.

21 FACILITATOR KERN: If everything goes along
22 according to schedule, when do you think you would get
23 approval and then action on this? When would it be
24 scheduled to actually be done?

25 MR. COOPER: That's a good question. I

1 don't know off the top of my head.

2 I think our goal would be to get the Draft
3 Removal Action Work Plan to Brian this year for sure and
4 maybe out externally before the end of -- you know, by
5 January.

6 So we need to get -- you know, I sent an
7 e-mail to Bob about -- I'm pretty sure I copied you about
8 what level of CEQA documentation is necessary. We need to
9 get a response from him and get that going, as well.

10 So -- yeah.

11 MR. BACH: Does the developer have ideal
12 dates and possibly when a lease or a contract is going to
13 be put forth and potentially signed? Are there any
14 projections of when those dates --

15 MR. COOPER: The developer has a preliminary
16 construction schedule, also. The way I'm hearing how he's
17 saying -- he's got hurdles and stuff to jump over right
18 now.

19 We're trying not to slow each other down is
20 what we're doing basically right now. He's concerned that
21 I'm going to slow him down and let's see if -- he seems
22 pretty motivated to -- you know, to do this.

23 So -- and I know the Trust real estate
24 department is motivated to get them in that building so
25 they can start collecting the rent, obviously.

1 So my memory was, you know, to get this -- I
2 don't remember, but it was pretty -- it was pretty
3 aggressive, and once we heard about that, I was
4 concerned -- Brian was, too -- that wow, if we try to do
5 this on top of RAP4 and DTSC is talking about finalizing
6 the lead plan, as well, how this can throw us off?

7 But it was something that theoretically could
8 -- we would definitely get through the planning process,
9 you know, in 2008 and maybe even to construction if things
10 went quickly enough.

11 So that could be another construction start
12 in 2008 if things really, you know, went fast.

13 I have my doubts about that, but --

14 MR. BERMAN: Is that a topic that you want
15 to have brought up at the Summit meeting? The 937 actions?
16 Because if, in fact, you're loading Bob up with a lot of
17 activity --

18 MR. COOPER: Yeah.

19 MR. BERMAN: -- it would seem to me that --
20 you know, that this is more pressure --

21 MR. COOPER: To get more help from DTSC.

22 Because DTSC has been great. They've come to
23 all the meetings. They've been very responsive in looking
24 at our data reports and things like that. So it's not
25 responsiveness on the 937 project.

1 MR. BERMAN: Yeah.

2 MR. COOPER: It's overall do you have enough
3 resources to handle all these projects that we want to get,
4 you know, through the planning process in 2008?

5 FACILITATOR KERN: And that's precisely the
6 time to deal with that, with Dan Murphy there.

7 MR. BERMAN: Mm-hmm.

8 FACILITATOR KERN: And here we're ready on
9 all these projects, community support. I think he'd find a
10 way to help.

11 MR. BERMAN: Right, but it would seem to me
12 that if you could bring a laundry list --

13 FACILITATOR KERN: Right.

14 MR. BERMAN: -- to that meeting.

15 MR. BACH: And a calendar.

16 MR. BERMAN: But a laundry list, yeah, with
17 a -- with a --

18 MR. BACH: Some deadlines.

19 MR. BERMAN: Dates associated, but a laundry
20 list has got a lot of DTSC activity in it.

21 FACILITATOR KERN: Yeah.

22 MR. BERMAN: So that there's actually
23 something that you leave behind for Murphy so that he
24 has -- he can see that --

25 FACILITATOR KERN: And if we start briefing

1 everybody now, maybe we can get this list calendar together
2 with the possibilities and I think the power of this group
3 is that they can decide to commit, and it will happen.
4 That's what happened before.

5 So I remain optimistic about that. It's a
6 good idea.

7 MR. BACH: Doug, on that building site,
8 isn't there an adjacent -- the kid's swim space? Any
9 chance that because that building is going to require less
10 toxic overview, oversight that that one project may rush
11 ahead of the other in terms of taking over the building and
12 starting actual construction with the -- they're different
13 developers; right?

14 MR. COOPER: Different developers. They
15 have independent schedules.

16 MR. BACH: But one building is going to need
17 more attention than the other just because of the level of
18 --

19 MR. COOPER: Reach.

20 MR. BACH: Right. In terms of schedule and
21 a calendar, it's going to keep that stuff in check and give
22 the developers that are going to be anxious to move forward
23 an idea of movement?

24 MR. COOPER: Yeah. DTSC's role at the --
25 the swimming -- children's swimming pool thing is very,

1 very low, very little work on that one.

2 MR. BACH: That's my point.

3 MR. COOPER: Yeah. That one's not a big
4 deal. The big three is, you know, RAP4 and all the stuff
5 associated with RAP4, the 937 removal action work plan and
6 the lead plan, you know, that DTSC's brought up before.

7 Those are the big three that I think that we
8 bring to the October 4 Summit meeting and articulate that
9 in some way to talk about not only the activities, but then
10 matching up resources for that.

11 FACILITATOR KERN: Mm-hmm.

12 MR. COOPER: And I'd like to add one
13 footnote. When we're talking about landfill 10, 8 and
14 graded area 9 is for the Trust to keep up.

15 I think I've got a really good project
16 manager for the planning side of the RAP4 activities in
17 Genevieve Coyle and I've got a good consultant on getting
18 kind of the pre-RAP and the RAP activities in place.

19 What I don't have a plan for -- what I have a
20 plan for but don't have the bodies for is for the design
21 for the landfill 8 and 10 and graded area 9, and I -- and
22 I'm working on that in a way.

23 I'm basically looking to hire a consultant
24 for an individual that will -- would come aboard and act as
25 a design manager for this particular design, the landfill

1 8, 10 and graded area design and would be fully responsible
2 for being -- doing everything that a Trust project manager
3 would do in making sure that the design is consistent with
4 the RAP and going to RAP meetings and being educated about
5 the RAP and working with all the stakeholders and making
6 sure that the design for the remedies for those three
7 sites, you know, is done in a complete way and working with
8 the engineering firm, helping the Trust hire the
9 engineering firm.

10 So I'm figuring out a way to get a body on my
11 side to keep up the aggressive schedule, but it won't be a
12 Trust employee.

13 So it's a new idea, and I know that some
14 folks were a little bit concerned about using a consultant
15 in a really kind of elevated project manager sense, but
16 it's really the only way I think I can best keep up, and as
17 you know, the cost would be Zurich allowable, too.

18 So it's an idea that's been floating around
19 for a while and I'm finally -- I'm going to do it, and I
20 sent out a request for proposals already.

21 Brian and I are working on that. I got a
22 whole bunch of resumes in from individuals from consulting
23 firms. None of them look like the perfect match yet, so
24 I've actually engaged with a head hunter firm and they're
25 helping me recruit the right person.

1 So I'll give you updates on that, and as soon
2 as we hire someone, I'll definitely bring them to a RAB
3 meeting because it's going to be someone that's going to be
4 heavily involved with the whole RAP4, landfill construction
5 project.

6 FACILITATOR KERN: Jan.

7 MS. MONAGHAN: If RAP4 and 937 are going on
8 at the same time, is that a manageable workload for
9 Genevieve?

10 MR. COOPER: That would be her two -- yes.
11 I think she can handle those two. She's a pretty sharp
12 person.

13 FACILITATOR KERN: She is.

14 All right. Getting to the end of the agenda.
15 Devender, any comments or status of anything, any projects
16 ongoing?

17 MR. NARALA: Yeah. Right now I'm working on
18 1065 work plan. I had a meeting with Craig and the project
19 manager. We had some few comments and we're going to
20 finalize it pretty soon, and that should be get going
21 construction, I guess. I don't know what the schedule is.

22 MR. COOPER: Yes. We want to break ground.
23 Where are we? In October.

24 MR. NARALA: Okay.

25 MR. COOPER: Early October, and then we're

1 going to be sending you the implementation work plan for
2 1349.

3 We just got a meeting with Brian on that.
4 Got the green light on that, so expect that in your in box
5 next week.

6 MR. NARALA: Oh.

7 MR. COOPER: If you can get your -- that out
8 this week.

9 MR. NARALA: I got the 207/231 corrective
10 action plan. Everything is easy.

11 FACILITATOR KERN: Right.

12 MR. COOPER: We're trying to squeeze in some
13 petroleum cleanups this calendar year for sure, yeah.

14 MR. NARALA: And I'm trying to -- I think
15 Craig sent in probably 250 USG closures. So I'm slowly
16 working on that one.

17 MR. COOPER: Right. But we've -- I'm sorry
18 to interrupt. Those are kind of like when he has time,
19 start cranking through those tank closures, but when he
20 gets something associated with a cleanup activity, you
21 know, that takes precedent.

22 We have a little strategy and his review
23 strategy. So when 1065 comes in, that takes first
24 priority.

25 FACILITATOR KERN: Craig and I had a meeting

1 about, you know, tracking all the sites and the costs.

2 MR. COOPER: Mm-hmm.

3 FACILITATOR KERN: And I want to check in
4 with you about -- does it do you and your agency any good
5 to have a list of all these things that are being closed?

6 I mean, do you get any kind of credit for
7 sites that are closed? And I just think the more that we
8 track closures and sites completed, the better the program
9 will be, and I haven't asked you that directly.

10 Is there -- does your management check on
11 those things and is that something that -- I mean, a lot of
12 agencies like to have numbers of things that they're
13 completing type things.

14 MR. NARALA: Off the top of my head, yes,
15 definitely they do, but I'll check with the management and
16 I'll call you up and talk to you.

17 FACILITATOR KERN: Okay. Great. Because I
18 think the program is doing a lot of that kind of work and
19 should get credit for it, and the regulators should be
20 getting credit for that kind of work.

21 Because it's showing progress that the
22 Presidio's being cleaned up and that we're getting
23 somewhere with all this.

24 MR. NARALA: My management is happy as long
25 as you and he doesn't call.

1 FACILITATOR KERN: All right. Well, again,
2 Bob, we're hopeful that his climbing is going well. He's
3 in Yosemite on a route called Lurking Fear of El Capitan.
4 It's been a dream of his for a long time.

5 MR. COOPER: Really?

6 FACILITATOR KERN: Oh, yeah.

7 MR. BACH: He's scaling El Capitan?

8 FACILITATOR KERN: Climbing it, rock
9 climbing. It will be several days, and I think he was
10 actually going to -- he's probably in a --

11 MR. BACH: Cocoon sleeping.

12 FACILITATOR KERN: He's on the wall tonight,
13 I think. But it's been terrific weather, so that's really
14 a bonus for climbers when there's no rain
15 or --

16 MR. BACH: Thunder showers.

17 MS. BLUM: Lightning.

18 FACILITATOR KERN: Is there any new business
19 tonight?

20 MR. BERMAN: Doug, on this letter that
21 you're going to draft in response to the Caltrans letter,
22 is that something that is an activity for the next
23 committee meeting or do you think you want to get something
24 out very quickly?

25 FACILITATOR KERN: Well, I think -- I think

1 at least for me, getting something while this discussion is
2 fresh -- getting something back to him reasonably rapidly
3 that counters or shows that we're not going to just take
4 any old sort of funky letter and that we're going to
5 correct all of the inaccuracies and change the record
6 around a little bit, I think that's what needs to happen,
7 and then we need to continue to develop our strategy.

8 I mean, this -- the main point is really to
9 counter his letter and to suggest things that he needs to
10 do.

11 Because this is not just -- this is an
12 important community project for the State of California and
13 that they need to pay attention to.

14 MR. BERMAN: But my question is really your
15 schedule. I mean, you have volunteered to put that draft
16 letter together.

17 I mean, what's --

18 FACILITATOR KERN: I think reviewing it at
19 the committee meeting would be reasonable.

20 MR. BERMAN: It seems to me like it should
21 be something that should go out after we review it at the
22 committee meeting.

23 So do you think you could circulate a draft
24 before the committee meeting so that we could look at it?

25 FACILITATOR KERN: I do, yeah. I guess I

1 would expect about a week from now reasonably given other
2 things that I'm doing. I would give you all about a
3 week --

4 MR. BERMAN: Okay.

5 FACILITATOR KERN: -- before.

6 Action items. The letter, consolidating
7 issues for Summit meeting and getting an agenda out to all
8 the parties, getting an agenda for you guys to review and
9 comment on, but I think we have done a nice job tonight
10 scoping out what that agenda might be on.

11 Principally are we on track? Are we going to
12 decide as a group to let that slide, and as Jan was saying,
13 can we leverage DTSC into some help to get this RAP4 going?

14 But also bringing together some of these
15 other projects, the lead plan, the building 937 and any
16 other things Bob is doing so we make sure he can get some
17 help if he needs it.

18 So the letter and that plan.

19 Other things? If you have anything, send
20 them along, items.

21 An agenda item for the committee meeting will
22 be reviewing with Ryan Seilbach the area B RAP3 site
23 schedule, and I'm thinking it might be useful to give him
24 some sort of a template of the kinds of things that we
25 would want to see.

1 MR. COOPER: I was thinking that, too. Just
2 handing out -- what should my handout be? Give me some
3 advice on that so we can get through that meeting
4 efficiently.

5 FACILITATOR KERN: It occurs to me just a
6 basic schedule, and as I was thinking about that, one
7 question that I know people are going to ask, where is that
8 soil map and then -- and we have the maps that we did for
9 the RAP3 thing.

10 MR. COOPER: We'll use that.

11 FACILITATOR KERN: So we should have the
12 soil volumes in that same document that we worked on so
13 much, but people are going to wonder well, how big of a
14 site is that? Is that a little small site or is that a --
15 so I think just reviewing that sheet that we already did,
16 the public information sheet would be a help.

17 And then when are we going to propose to do
18 these? What's the rollout order?

19 MR. COOPER: Okay.

20 FACILITATOR KERN: Because people here might
21 have some feedback on that.

22 MR. BERMAN: Is the CEQA approval already in
23 place?

24 MR. COOPER: Yeah. It happened -- it
25 coincides with approval of the RAP.

1 MR. ULLENSVANG: You know, on that since the
2 Trust document doesn't specify a schedule. It should
3 specify criteria and they want the contractor to review the
4 schedule, it might segue over what could be the schedule to
5 go over and the parameters that the contractor should have
6 to follow to make the schedule.

7 MR. COOPER: Yeah.

8 FACILITATOR KERN: So it's being left to the
9 contractor.

10 MR. COOPER: Yeah.

11 FACILITATOR KERN: Okay.

12 MR. COOPER: To increase competitive
13 flexibility.

14 FACILITATOR KERN: Sure. That would be just
15 as important to understand that. We can maybe guess what
16 we think should be the order.

17 MR. ULLENSVANG: Or maybe input on the
18 criteria.

19 FACILITATOR KERN: Right.

20 MR. ULLENSVANG: How many sites can be
21 worked on at once? Are there certain seasonalities to the
22 sites?

23 MR. BERMAN: A lot of that's in the CEQA
24 document.

25 MR. COOPER: Mm-hmm, and it's even

1 reiterated more in the work plan that we're putting
2 together that will become part of the design documentation.

3 MR. BACH: In terms of action items, Craig,
4 I think you said that you were going to make contact with
5 Friends of Mountain Lake.

6 MR. COOPER: Right. I already -- someone
7 from the Trust is meeting with the Friends of Mountain Lake
8 later this month, and I already sent them --

9 MR. BACH: I was just curious --

10 MR. COOPER: I already sent them an e-mail
11 with some basic e-mail on what remediation is going on at
12 Mountain Lake. After they meet with them, I can share
13 that.

14 MR. BACH: Given the discussion that we had
15 tonight, it seems that there's activity continuing, so my
16 question was, you know, what -- right? So, I mean --

17 MR. COOPER: Maybe my e-mail --

18 MR. BACH: It's complicated.

19 FACILITATOR KERN: Well, we should be
20 combining forces with those folks.

21 MR. BACH: Precisely.

22 FACILITATOR KERN: No question about it.

23 MS. NEWTON: When is that meeting? Do you
24 know when it is?

25 MR. COOPER: I think it's the 19th.

1 MS. BLUM: Can anyone go? Can a member of
2 the RAB go?

3 MR. COOPER: I don't know. I've never even
4 met anybody on Friends of Mountain Lake.

5 MS. BLUM: Could I go on --

6 FACILITATOR KERN: I would think you would
7 be -- many of us know the people there.

8 MS. MONAGHAN: Yeah.

9 MR. BACH: What's the date of that again?
10 Maybe we should combine forces or something.

11 MS. MONAGHAN: Sharon Kleek. She was a
12 Friend of Mountain Lake.

13 FACILITATOR KERN: Well, that one's just
14 sitting out there for somebody to make a contact. Is there
15 anybody that could dig into that? I mean, do you have a
16 name of --

17 MR. COOPER: I just know the name of the
18 Trust person. It's Brian Huldebockle.

19 MS. BLUM: Oh, okay.

20 MR. COOPER: I know the people in the
21 restoration program knows him very well. So I could ask
22 Brian and Carol who the point of contact is at Friends of
23 Mountain Lake and see if it's an open meeting --

24 MS. BLUM: Okay.

25 MR. COOPER: -- or closed or what the deal

1 is.

2 MS. BLUM: If you want me to, I know how to
3 reach them. So I could do that, take that off your plate
4 for you.

5 MR. COOPER: Okay.

6 MR. BACH: Could we add that to the
7 committee meeting to get like an update on that or maybe
8 send out an e-mail of how that --

9 MS. BLUM: I'll send out an e-mail on what
10 the deal is and maybe someone else will want to go or we
11 can find out we can't go.

12 MR. BACH: Thank you.

13 MR. COOPER: Thanks, Jan.

14 FACILITATOR KERN: Any other items for the
15 good of the order?

16 I want to thank everybody tonight for coming
17 out and participating and contributing. I think it was a
18 good solid meeting. We got a lot of things checked off, a
19 lot of reviewed.

20 I appreciate your lead in supporting us on
21 these projects.

22 Without objection, meeting adjourned.

23 (The meeting adjourned at 9:07 PM).
24
25

1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

3

4 I, the undersigned, hereby certify that the
5 discussion in the foregoing hearing was taken at the time
6 and place therein stated; that the foregoing is a full,
7 true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the foregoing
10 hearing and caption named, or in any way interested in the
11 outcome of the cause named in said action.

12

13 IN WITNESS WHEREOF, I have
14 hereunto set my hand this

15 24th day of September
16 2007.

17 
18 Mark I. Brickman CSR No. 5527
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A	ago 4:24,25 34:15 37:24,25 45:3 56:25 63:17 agree 43:13 46:25 ahead 34:13 56:18 79:11 alerting 66:16 alleged 30:11,12,13 45:23 allotted 32:19,24 allow 62:15 67:16 allowable 81:17 alternatives 3:12 72:6 amazed 15:25 amazing 16:5 27:10,17 amount 38:2 42:8,8 and/or 36:5 Angel 25:25 26:4 announcements 3:5 4:14 24:6 annual 38:3 answer 68:6 anticipate 10:24 anticipated 5:12 anticipating 13:23 39:25 anxious 79:22 anybody 4:17 28:16 54:9 91:4,15 anyone 54:19 anyway 17:11 28:25 59:17 appears 5:15 6:7 23:9 67:24 application 36:3,9 37:15 42:24 48:5 49:14,21,23 applications 31:5,25 38:1 41:11,16 43:2 applied 32:7 apply 31:6,8 46:12 appreciate 42:18 92:20 approach 62:21 approaching 10:15 appropriate 11:1 42:17 55:9 approval 3:4 51:14,15 52:5 75:23 88:22,25 approve 38:22 61:21 approved 31:16,19 38:19,25 41:17 47:15 49:23 51:12,21 53:1 archeologist 27:16 archeology 28:5 area 7:13,14 10:5 11:8 12:6 13:2 16:25 17:1	20:13 22:3 23:24 60:13,16,21 68:13 69:4 80:14,21 81:1 87:22 areas 10:12 12:3 22:7 arm 32:11,14 50:4 arms 59:16 Army 6:13 16:11 30:7 30:9,11,14 33:1,2,4,7 33:11 34:13,17,17,21 35:1,9,12 36:5 38:21 43:18,22 52:10 53:21 54:3 55:12,13,19,20 55:21,25 56:3,4,7 70:21 Army's 29:25 55:14,16 arranged 26:25 27:1 arrangement 7:4 arrived 63:16 articulate 80:8 asked 32:13 44:15 57:25 84:9 asking 47:19 assembled 13:7 assembling 13:8 14:9 assess 30:17 associated 43:16 78:19 80:5 83:20 assortment 27:17 assume 9:7 73:17 assuming 43:22 assured 38:9 astounded 28:19,20 attempt 14:18 ATTENDEES 2:1 attention 79:17 86:13 attorney 37:8 93:9 attorneys 56:4,5,5 available 25:11 33:17 38:9 avoids 7:12,13 aware 33:9 51:23 74:6	B B 3:11 60:13,16,21 87:22 Bach 2:8 9:9,15,19,25 10:10,13,22 11:6 16:24 18:4,10,14 20:5,10,17,21 25:14 26:9,24 34:10,18 41:1,8 47:1,14,19 60:6 72:19,22 74:1 76:11 78:15,18 79:7 79:16,20 80:2 85:7 85:11,16 90:3,9,14	90:18,21 91:9 92:6 92:12 back 22:1,8 23:5 24:17 24:18 25:17 27:5 34:8,11 36:14,18 41:13,14,20 42:6 44:6,13 45:2 49:2,25 53:2 66:19 72:6 86:2 backbone 65:9 background 5:4 backup 32:11,22 bad 6:7 9:22 15:8 37:9 48:23 Baker 3:6 4:15 5:1 6:2 6:20 7:11,17,19 14:16 15:1,13 24:12 24:25 34:17 63:23 65:5 ball 28:1 banging 23:17 bank 47:16 Barbara 2:10 barge 8:8 barging 8:10 base 72:14 based 64:22 74:12 basic 88:6 90:11 basically 23:12 34:22 57:13 70:16 76:20 80:23 basis 29:8 67:25 68:10 bathroom 75:11 batteries 22:19 Battery 23:1 beach 3:6 4:15 5:1 6:2 6:20 7:11,17,19 8:13 14:16 15:1,13 17:9 17:25 18:1 19:6,25 20:9,13,18,18 22:12 24:12,25 34:17 63:23 65:5 beating 39:3 beauty 21:19 bedrock 5:9 began 7:4 beginning 10:24 30:20 32:17 behalf 43:19 belief 33:13 believe 18:5 51:1 belt 9:11 27:11 Berman 2:5 8:2,6,19 9:1,8 12:8 13:4,9,15 14:2,12,17 15:6,23 16:10 25:19 26:3,7 26:17,21 27:4 28:20	32:4 33:19 35:5,9,12 35:16,24 36:10,23 45:15,17,20 46:20 47:17 50:14,18,21 55:10,23,25 56:7,11 59:24 60:4,10 74:8 74:20,22,25 75:4 77:14,19 78:1,7,11 78:14,16,19,22 85:20 86:14,20 87:4 88:22 89:23 best 4:8 21:20 26:8 36:8 38:18 52:13 81:16 better 11:23 17:19 36:17 42:20 52:15 57:24 72:9 84:8 beyond 73:12 big 6:14 7:24 16:4,12 18:12,12 21:11 27:14 59:11 61:2 68:13 72:19 80:3,4,7 88:13 bigger 25:16 68:21 bike 25:14,17 bit 5:12,19 6:8 7:22 11:22 17:4,24 24:18 24:20,21 62:2 69:20 81:14 86:6 blame 29:1 33:1 blew 37:10 40:19 blow 9:18 28:6 54:17 bluff 7:5 21:10 22:9,19 23:17 Blum 2:7 21:3,7 22:11 22:16,23 27:20,23,25 28:5 37:17,21 38:16 40:9 42:16 43:17,24 53:20,25 56:10 65:17 68:24 69:11 85:17 91:1,5,19,24 92:2,9 board 1:1 4:2,6,10 8:24 42:22 boards 15:15 Bob 4:6 61:23 62:4,14 62:21 63:8,22 64:9 64:16 65:2,15 66:1 66:19,20,24 67:2 76:7 77:16 85:2 87:16 Bob's 64:24 bodies 80:20 body 81:10 boggling 28:21 Boggs 3:14 4:6 bonus 85:14 boss 64:24
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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, OCTOBER 9, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

RAB Members:
Doug Kern, Facilitator (Absent)
Mark Youngkin, Chair
Peter O'Hara
Craig Cooper
Brian Ullensvang
Devender Narala
Sara Segal
Gloria Gee
Sam Berman
Jan Blum
Edward Callanan
John Chester
Julie Cheever

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on October 9, 2007, at the Officer's Club, Building 50, Presidio of San Francisco, California, before me, MARK I. BRICKMAN, CSR No. 5527, State of California, there commenced a RAB meeting under the provisions of the Presidio Trust.

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AGENDA

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1 CHAIR YOUNGKIN: Welcome. This is the
2 regular scheduled meeting of the Restoration Advisory Board
3 meeting of the Presidio San Francisco. We meet every first
4 Tuesday of every -- second Tuesday of every month, and
5 we're going to have pretty low attendance tonight. I'm not
6 sure what's going on. Maybe it's the first weekend of
7 fall. I hope everybody had a real good summer.

8 Does everybody have a copy of the agenda? Is
9 there any discussion or does anybody want to add any new
10 items?

11 Seeing none, let's move on. Announcements
12 and old business. Okay. Let's go on to item number 4,
13 community business and reports.

14 I actually was not at this last meeting --

15 MR. BERMAN: I was there, so I will provide
16 a summary if you will permit.

17 CHAIR YOUNGKIN: Thank you, Sam.

18 MR. BERMAN: We heard from Ryan Seilbach,
19 the Presidio Trust. He discussed the schedule for the
20 RAP3, provided us with a demand chart for the schedule and
21 then we went into a long discussion on tree removal as
22 being one of those sensitive subjects, and there was a
23 discussion about the 45 trees to be removed around the Nike
24 site and even longer discussion about the five beautiful
25 large cypress around 669, which is the -- the incinerator,

1 the old incinerator building, and we further discussed that
2 the future land use was uncertain and so the tree removal
3 seemed to be a hot item for discussion in view of the fact
4 that land use -- future land use was still uncertain.

5 Anyone who was there can correct me or
6 comment, add additional comments.

7 Then we -- we discussed the -- the draft that
8 Doug had prepared to Sartipi. This is the letter from RAB
9 to Caltrans, and it was felt that some modifications were
10 needed, and Doug took it to heart and I guess we have a new
11 one to look at tonight.

12 And then the last topic was the agenda for
13 the Summit meeting, some discussion as to what the agenda
14 items would be, and I guess -- were you at the Summit
15 meeting, Mark?

16 CHAIR YOUNGKIN: Yes, I was.

17 MR. BERMAN: Okay. So I think we made some
18 suggestions for the agenda, but the most -- the most
19 significant suggestion was to assure that the -- that DTSC
20 had some more staff to help Bob out, who seems to be
21 overloaded and which is turning out to be a main nodal
22 point in getting the -- the RAP3 (sic) going.

23 That's all my notes.

24 MR. COOPER: RAP4.

25 MR. BERMAN: Pardon?

1 MR. COOPER: RAP4 going. That's our next
2 RAP --

3 MR. BERMAN: Yes.

4 MR. COOPER: -- just for the record.

5 MR. O'HARA: Sam, can you quickly summarize
6 the tree removal issue and whether this is specific to a
7 location or is this tree removal issue something park side?

8 MR. BERMAN: Well, I don't know in it
9 detail, but what we did discuss at the community meeting
10 was the 45 trees to be removed at the Nike site, and it was
11 felt that the -- that was such a deep forest there that, in
12 fact, the 45 trees -- the 45 tree removal would not leave a
13 barren desert, but in fact -- and since it's not a place
14 that people frequent all that much, that it would be
15 relatively harmless.

16 I think a larger issue was the second site,
17 which was 669, the incinerator, where -- when -- there is a
18 lot of people drive by there and these are very beautiful
19 old cypress trees, and there was concern that could it be
20 done in some way -- could the removal be done and save the
21 trees, and Ryan said that it's basically almost impossible
22 to do that, because the -- yeah.

23 MR. COOPER: Yeah. And just to answer your
24 question, I know the tree removal's been in the papers
25 recently. This tree removal is only specifically to

1 cleaning up remediation sites. The tree roots are in
2 contaminated soil, and those trees needed to go out.

3 MR. O'HARA: Okay. So there is -- because
4 the cypress trees are indigenous -- are they not -- to the
5 Presidio?

6 MR. FREY: No.

7 MR. COOPER: No. I don't think any trees
8 are is my understanding.

9 CHAIR YOUNGKIN: Oaks and willows.

10 MR. COOPER: Willow's a tree? Okay. Oh,
11 yeah. Willow tree.

12 MR. O'HARA: So the reason for the removal,
13 then, is specifically because the roots were in
14 contaminated soil?

15 MR. COOPER: Right.

16 MR. O'HARA: And that's the only reason?

17 MR. COOPER: Correct. It's not connected to
18 other Presidio-wide tree removal operations that may be
19 associated with the historic forest rehabilitation. Just
20 for our remediation.

21 MR. O'HARA: Okay. Thank you.

22 CHAIR YOUNGKIN: Okay. Any other questions
23 on the committee meeting report?

24 Let's move on to reports and discussions.

25 The first topic is the Summit meeting update.

1 And I was at the Summit meeting along with Brian and Craig,
2 and Bob isn't here tonight, I guess, or Devender. They
3 were both at the meeting, too.

4 MR. COOPER: Here comes Devender.

5 CHAIR YOUNGKIN: Do you want to do a little
6 summary of it?

7 MR. COOPER: Okay. The first two agenda
8 items were -- associated with agenda item number 1 was a
9 discussion of my leaving and a smooth transition to the new
10 Presidio Trust environmental program manager, and that was
11 all led by Jeff Deis, who is my boss, and so he kind of
12 identified general time frames of when I'm going to go and
13 our -- the different mechanisms that we're using to get the
14 word out to try to attract well qualified candidates to
15 replace me, and then he also described general
16 characteristics of the candidates that he's looking for to
17 hire.

18 CHAIR YOUNGKIN: My comment was it's like
19 they're looking for two people. The qualifications are
20 pretty intense there.

21 MR. COOPER: Mm-hmm.

22 MR. BERMAN: He didn't offer to resign and
23 donate his salary to the position thereby attracting you
24 back?

25 MR. COOPER: Right. At his salary.

1 MR. BERMAN: No. Adding his --

2 MR. COOPER: Adding the two together?

3 MR. BERMAN: Yes.

4 MR. COOPER: Oh, even better.

5 MS. CHEEVER: Did you mean that symbolically
6 or literally?

7 MR. COOPER: He's making a joke.

8 MR. BERMAN: It may sound symbolic, but --
9 and for the record, since it's being made, I mean, I think
10 the hiring of Jeff Deis when, in fact, what Craig -- our
11 Craig here needed was additional staff and someone to take
12 the load off of his back, and hiring Jeff Deis and then to
13 make him his boss was a very poor administrative move --
14 move by -- by the -- by the Trust, and I'm sitting on a
15 personal letter to Craig Middleton stating these things.

16 I just find it unbelievable that they would
17 bring a person like Deis in, pay him that large salary,
18 make him Craig's boss and then not consider the loads that
19 he has to deal with, and there's some simple things that
20 could have been done to make it easier for Craig Cooper,
21 including someone to take over the petroleum program
22 completely, get it off his plate, which is a straight-
23 forward assignment, and I just feel that the management
24 is -- is -- has acted poorly and has treated this program,
25 which we're participants -- I think they have treated this

1 program rather poorly in terms of administrative process
2 and personnel affairs.

3 CHAIR YOUNGKIN: We talked about Craig maybe
4 making some recommendations as he leaves --

5 MR. COOPER: Right.

6 CHAIR YOUNGKIN: -- for change in the nature
7 of his position.

8 MR. COOPER: Yes. I'm going to do that.
9 I'm going to, to the extent I can, transfer some of my
10 responsibilities under working with Zurich and working with
11 the Army on claims over to Andrea Anderson, the
12 environmental attorney since they're more legal in nature,
13 and since she has been aboard now for two years and she's
14 kind of slowly kind of grown into that role, anyway, and so
15 I think that will make it easier for the new environmental
16 program manager.

17 And I'm going to take a look at other things
18 that are just kind of on my list to see what I could, you
19 know, delegate down to staff or over to Andrea or to -- I
20 don't think we're hiring anybody new at this point, but --
21 yeah. I am at least -- it is a big responsibility,
22 especially for someone new to come aboard and try to absorb
23 all the information all at once.

24 So I think to the extent that we can try to
25 cut out some of the things -- oh, for example, the Mountain

1 Lake issue, I want to try to delegate that to Genevieve,
2 for example, the whole issue with Caltrans that you guys
3 are writing the letter about.

4 So I'm going to try to cut away at least on
5 the edges some things to lighten the total job description
6 to some degree, but I think to some degree, you need a
7 single program manager that is aware of all the, you know,
8 moving pieces at the same time.

9 So --

10 CHAIR YOUNGKIN: Okay. Then we went on and
11 talked about the program vision and goals for 2007.

12 MR. COOPER: Correct. That was led by Jeff
13 Deis, as well. So he talked about -- because of the
14 attendees at this meeting, I mean, there were all fairly
15 traditional attendees from the Park Service.

16 Elyse Barkling was there and Devender was
17 there and Jeff Deis and myself. Craig Middleton was there
18 for the first time. He left right around eleven o'clock.
19 We started at 10:00, and -- but from DTSC, Bob was there,
20 Dan Murphy was there as was a gentleman by the name of Rick
21 Moss who is Tony Landis' boss, and Rick Moss is -- my
22 understanding is he works in the Sacramento office for DTSC
23 and he's in charge of DTSC operations in August of the
24 military bases in California, yeah. Just not CERCLA
25 cleanup, but ultra facility operations. DTSC, you know,

1 enforcement of laws, environmental laws at federal
2 facilities.

3 So -- so I think because of that, you
4 know -- and as you know, Jeff Deis went to Sacramento to
5 personally meet with Rick Moss in July, so they've met once
6 before.

7 That was a good meeting, and so Jeff wanted
8 to use that particular agenda item to kind of talk about
9 the general parameters of our program, what it was kind of
10 based on with respect to schedule and our insurance
11 policies and when they expire in 2014, and looking for
12 assistance that -- from all the Summit attendees to help us
13 meet those deadlines.

14 I mean, just as we've talked about before,
15 help us spend the money so we can get the cleanups done and
16 get the cleanups done before the cost overrun insurance
17 expires. I mean, pretty plain and simple.

18 So Jeff kind of talks about those principles
19 at the beginning, which then -- then he also spoke about
20 Trust kind of guiding themes, I guess, around running the
21 program, on how we're going to make the program successful
22 if it looks like our projections end up being true and we
23 run out of money so we can, you know, transition into the
24 cost overrun insurance as smoothly as possible, and just
25 kind of maximizing as much claims from the Army and from

1 Zurich as much as possible on unknown contamination.

2 We announced our settlement with the Army on
3 the Baker Beach 2A site that had just gotten signed by all
4 three parties, the Trust, Park Service and the Army about
5 two weeks ago is my memory.

6 We settled for 2.375 million with the Army
7 with some very strong indication from Zurich that we have a
8 coverage from them on this site, as well for unknown
9 contamination.

10 So he kind of talked about those general
11 principles of maximizing allowable expenditures under our
12 cost overrun insurance, maximizing our claims against the
13 Army and Zurich and implementing the program that is kind
14 of smart, kind of working with the RAB and the stakeholders
15 about also can be about the sites that we do from this
16 point on just in case the money -- having basically a
17 contingency just in case we aren't able to transition into
18 the cost overrun insurance properly, are we being smart
19 about the sites that we do over the next five to six years
20 just so we don't get into some unnecessary trouble with the
21 regulators, for example, while we're -- so if there's a
22 problem with the insurance company, that we need to talk to
23 the regulators while we're working that issue about.

24 That's what I can remember. I don't have any
25 talking points in front of me.

1 Yeah.

2 MR. O'HARA: I'm not sure I understand
3 exactly what you meant when you said "we talked about
4 working smart with the projects ahead of us."

5 MR. COOPER: Mm-hmm.

6 MR. O'HARA: What does that mean?

7 MR. COOPER: Well, that means if DTSC or the
8 Water Board have a very strong opinion about, you know,
9 these sites here, these site X and site Y have very high
10 public health risk in our opinion, and if you don't do them
11 in the relative near future and if you push them out any
12 further, then you run out of money, you're going to be in
13 big trouble with us, basically.

14 Those concerns are the type -- sites that I
15 think that we want to engage with the regulators on and let
16 them know they should articulate those to us now so we can
17 factor that in, and as a group, do we need to reshuffle the
18 order?

19 Maybe a reshuffling's not necessary at all.
20 For example, we know that landfill 10 is a -- a threat to
21 public health due to its proximity to Lobos Creek, which is
22 the drinking water supply, and we have landfill 10 queue'd
23 up as one of our first big RAPs and construction project.

24 So that's an example where everything's lined
25 up just right, but is there another site out there that --

1 in RAP5, for example, if we're only able to do half of the
2 RAP5 sites with existing money, do the regulators have an
3 opinion about which half we should do first?

4 It's that type of conversation that we need
5 to have with the regulators and have everybody involved in
6 that conversation, as well.

7 MR. O'HARA: Okay.

8 MR. COOPER: That's what I mean by that.

9 MR. O'HARA: Okay. I wasn't sure whether
10 you were talking about selecting the most cost-effective
11 solution or option based on the money issue versus the most
12 expedient thing to do.

13 If that's not the issue, I --

14 MR. COOPER: It is not the issue.

15 MR. O'HARA: That's fine.

16 MR. COOPER: We've talked about this before,
17 remedy changes are a whole different conversation.

18 MR. O'HARA: All right.

19 MR. COOPER: We're not talking about remedy
20 changes at this point --

21 MR. O'HARA: Okay.

22 MR. COOPER: -- in time.

23 CHAIR YOUNGKIN: And I believe Jeff Deis
24 announced that the Trust was no longer going to charge
25 administration costs to the remediation fund.

1 MR. COOPER: Oh, that's a good point. Not a
2 hundred percent. Remember how we had this conversation.
3 We all identified it years ago that it would be really --
4 now's the time for the Trust to start moving our admin --
5 administrative costs, basically my salary and my
6 department's salary off Army money and on to the Presidio
7 Trust general funds.

8 And so that's a recommendation I've made, you
9 know, for a couple years now, and starting in fiscal year
10 '07 -- excuse me. '08, which we've just entered into, my
11 salary, which -- the program manager's salary and three
12 other staff -- I think it's Denise Fraga, George Ford and
13 Genevieve Coyle -- it's all kind of random about whose
14 names -- now those salaries are going to get paid out of
15 the Trust general fund.

16 So it's a good at least four positions that
17 will get transferred over, and again the -- and the purpose
18 for that is to -- again we want to minimize disallowed
19 costs.

20 So we're on our road -- we've been saying
21 that for a while, and I think that's a really big step
22 forward to start that.

23 So hopefully in '09, maybe we'll transfer
24 over the rest of the department's labor costs.

25 MR. BERMAN: Yes. Did anybody do a

1 projection as to how much would be saved -- you got four
2 people being moved this year.

3 MR. COOPER: Mm-hmm.

4 MR. BERMAN: And let's say you were lucky
5 and got two more, so the following year. Did anyone do a
6 projection as to what the total cost savings would be until
7 2014?

8 MR. COOPER: Yeah. We actually had this
9 woman from the Trust accounting department do some cash
10 flow analysis on various scenarios, but the scenario that
11 actually ended up happening wasn't one that I was
12 predicting.

13 I think I told her do one at status quo, one
14 at a transfer of one person and a transfer of two people,
15 something like that at various rates, but I can -- I can
16 have her do that.

17 She's got a spreadsheet now. She can just
18 plug in the number of people to get transferred over and
19 see how ultimately that reduces our unallowable total in
20 the year 2012.

21 MR. BERMAN: Right.

22 MR. COOPER: So I don't have a number for
23 you right now, but I could do that.

24 MR. BERMAN: I think we talked about this a
25 couple times and I seem to remember that a ballpark figure

1 for -- and the type of people that you describe, including
2 benefits and overhead and everything, of about 150K a year.

3 MR. COOPER: Yeah. Well, I think the whole
4 department, everybody added together is about 900,000 a
5 year. So if you take about half of us, so ballpark, we're
6 at, you know, 400.

7 MR. BERMAN: Okay.

8 MR. COOPER: 450,000.

9 MR. BERMAN: 900,000, that includes benefits
10 and overhead?

11 MR. COOPER: Mm-hmm.

12 MR. BERMAN: So with -- yeah. So just
13 looking at the potential savings, six years --

14 MR. COOPER: Times 450.

15 MR. BERMAN: Times five, let's say. So it's
16 like three million dollars --

17 MR. COOPER: Mm-hmm.

18 MR. BERMAN: -- as a savings.

19 MR. COOPER: Right.

20 MR. BERMAN: So it definitely helps.

21 MR. COOPER: Yeah.

22 MR. BERMAN: But it's not a big chunk in
23 terms of the shortfall.

24 MR. COOPER: Right. Again, it was just to
25 avoid that RSL gap so we wouldn't have to take a whole

1 bunch of money out of our pocket in the year 2012 so we
2 could get into the cost overrun insurance.

3 MR. BERMAN: And one last question. Is it
4 not possible to -- to deal with the administrative costs in
5 a time retroactive way?

6 MR. COOPER: Oh, you mean -- yeah. We
7 actually broached that with Zurich. No. Yeah. You mean,
8 reverse those charges, basically? It wouldn't be a
9 conversation with Zurich. It would be a conversation with
10 the Presidio Trust.

11 MR. BERMAN: Right. They could do that. I
12 mean, it's not -- it's not as bad as some hedge fund
13 accounting, but -- I mean, it's perfectly possible to say
14 that -- because they have a pot of money which they can add
15 and subtract.

16 MR. COOPER: It would just be switching
17 money back and forth for various past fiscal years from one
18 pot to the other, yeah.

19 MR. BERMAN: But you say it's not possible?

20 MR. COOPER: I don't think so.

21 CHAIR YOUNGKIN: Not at this point. Maybe
22 later.

23 MR. COOPER: An alternative way of doing
24 that would be the amount that we're going to have to take
25 out of our pocket in 2012, let's call it, we can start

1 saving that now.

2 Just set aside general funds so we've got a
3 little kitty together to pay down that RSL gap in 2012.
4 That's another way of doing that instead of -- yeah. Okay.

5 CHAIR YOUNGKIN: And then the Summit
6 meeting, moving on to commitments to achieve Rent Board
7 site construction start.

8 MR. COOPER: Correct.

9 CHAIR YOUNGKIN: And you passed out two
10 schedules, basically.

11 MR. COOPER: Yes. We passed out a schedule
12 that showed a construction start of landfill 10 in summer
13 of 2008, and we passed out another schedule that showed the
14 construction start for landfill 10 in the summer of 2009,
15 and we briefly did a compare and contrast of those two
16 schedules and pretty much landed at the decision
17 that -- that there was a couple things that we need to
18 finish these field investigations that DTSC is requiring,
19 and so we can collect this data so we can all get on the
20 same page with respect to remedy selection.

21 And then once we get on the same page with
22 respect to remedy selection, then we all get on the same
23 boat and can kind of start rowing together, and so -- and
24 then we can really start talking about fast-tracking at
25 that point.

1 So I think the decision was we hope to have,
2 you know, all the data -- not all the data, but at least a
3 sufficient set of data, soil and groundwater data, in our
4 hands if everything goes out on this whole temple plan by
5 February/March of next year.

6 And then if we can get through, you know --
7 we made a commitment to the RAB members that we would do
8 some homework on better articulating our decision-making
9 process on landfill 10, our kind of remedies alternative
10 screening and kind of going through that process again with
11 them in some constructive way so we can all get on the same
12 boat with respect to the scope of these remedies and the
13 remedies themselves with respect to landfill 10 and 8, and
14 when we get through that process, we'll just work as hard
15 as we can on those.

16 We had a meeting today -- Brian and I met
17 with Bob as far as nailing down some of his issues with
18 respect to the draft Hill Temple plan.

19 So hopefully March, April or February/March,
20 we're done. We've got enough data and we all are on the
21 same page with respect to remedies, and then it's just a
22 mad dash to the RAP and the remedial design and the Trust
23 made some recommendations with respect to how we kind of
24 worked through the RAP together and put it out in chapter
25 form, kind of like we did on RAP3 at the end and started

1 making a lot of progress.

2 So I think there was a decision that at the
3 next Summit meeting, that will be in February --

4 MR. ULLENSVANG: Early January.

5 MR. COOPER: Early January. That's right.
6 In early January to see if an '08 start is at all
7 practical, and I think we landed on early January. If you
8 go to February or March, it's too late. That decision
9 needs to be done in March.

10 CHAIR YOUNGKIN: Then after the lunch break,
11 we talked about consensus on staffing and commitments and a
12 lot of that involved DTSC and Rick Moss saying he could
13 staff us with whatever we needed, basically.

14 MR. COOPER: Yeah. I mean, that was a good
15 thing about having Rick Moss there. Before when we had
16 this conversation with DTSC, they basically said we
17 understand that, you know, we could definitely have a DTSC
18 project manager here, but -- because we offered that we
19 would pay the oversight for that, but they said that it's
20 not as simple as you handing over some money so you could
21 hire someone.

22 The State of California hires people on a
23 whole different set of criteria, not just at sites where
24 people are willing to pay or not.

25 So -- and DTSC -- they needed to have the

1 official position open to them, but Rick Moss, as somebody
2 who's high up -- high enough said that due to issues at
3 other military bases in California or former military
4 bases, actually where basically the military's, I think --
5 they're in some dispute on oversight costs, that he has
6 some staff now that have been -- that have been freed up
7 from other federal facility sites in California and that
8 they can be transferred over to the Presidio.

9 So we kind of put out a straw man-type idea
10 and that we could actually get upwards to two more DTSC
11 project managers for a total of three, and the idea would
12 be that we would have a DTSC project manager just for our
13 lead plan, because that needs to go through regulatory
14 compliance.

15 That person would come aboard, work with the
16 Trust and the stakeholders in getting the lead plan
17 finalized and the official DTSC stamp of approval, and that
18 person would transition back off.

19 So a very kind of discrete role, come aboard,
20 help us finish finalizing the document and then transition
21 back off again.

22 And then a second new DTSC project manager
23 would be assigned solely to RAP number 4 and work with the
24 new -- you know, I'm in the process of trying to hire a new
25 outsourced design manager and that those people would, you

1 know, basically along with Brian be the core technical team
2 and Genevieve Coyle from my staff, the core technical team,
3 those four people would be the core technical team to get
4 the designs and the RAP together for the RAP4 sites.

5 And then we would still have Bob act as the
6 DTSC project manager on all the other, you know, things
7 going on in our remediation program, which is not
8 minuscule.

9 As you know, we have the RAP3 area B sites
10 that are going to be going into construction. So we need
11 DTSC oversight on all of those construction projects.

12 We got the 937 draft plan -- work plan that
13 we briefed you guys on that we need the DTSC engaged on and
14 then a myriad of other -- other closure projects and stuff
15 like that.

16 So -- now I forget how that got -- how we
17 left that. I think that DTSC -- Rick Moss said that he was
18 going to kind of huddle -- he said that he wanted -- before
19 making any assignments, he wanted to kind of check the
20 expertise from his available staff on who would be good
21 matches for those -- you know, those two new positions that
22 I outlined, the lead plan and the RAP4 and he was going to
23 get back to us on that, and I said, you know, this is going
24 to significantly increase or oversight costs, as you know,
25 which have gone up already over the last year or two, but I

1 said that, you know, I think that the Trust is willing to
2 pay for those oversight costs if we're making progress, you
3 know.

4 If we make progress in finalizing this lead
5 plan at a reasonable rate, you know, we'll have paid the
6 oversight bill, because theoretically it's oversight that
7 we would have to pay eventually -- eventually we need a
8 DTSC person to work with us to finalize a lead plan, so we
9 have to pay the oversight on that.

10 So instead of oversight maybe getting spread
11 out over, you know -- at a certain level for seven or eight
12 years, maybe we can condense it down to a shorter period.
13 We'll pay more up-front and then taper down to a lower rate
14 later.

15 That's -- one of my concerns, you know, is
16 that we don't want to bring on people for indefinite
17 hang -- just hanging out. You know what I mean? Is that
18 these people would be brought aboard to accomplish very
19 specific things, and then when those things are done, they
20 transition off on to, you know -- when the workload does
21 not support three DTSC project managers anymore, they need
22 to transition off again.

23 So DTSC needs to, you know, pick the right
24 people and I think that it could be a really good thing for
25 our program.

1 CHAIR YOUNGKIN: Was Rick Moss asking for a
2 scope of work from you, too, or something like that? Some
3 discussion.

4 MR. COOPER: We're putting together -- just
5 as with every Summit meeting, meeting notes will get put
6 together. That will get distributed to every single RAB
7 member.

8 There were some action items, definitely. I
9 just don't remember them all right now.

10 CHAIR YOUNGKIN: Sam.

11 MR. BERMAN: Was there a discussion of --
12 given that the shortfall is something that's probably quite
13 realistic -- DTSC just picking up the salary of these
14 people and not charging it to the -- to the Trust? I mean,
15 there's no --

16 MR. COOPER: No.

17 MR. BERMAN: -- law that says that the Trust
18 has to pay the salary. These people are employees of DTSC.

19 MR. COOPER: Right.

20 MR. BERMAN: They could be assigned to that
21 without having the cost -- their salaries being picked up
22 by the Trust.

23 MR. COOPER: The -- the consent agreement
24 that the Trust signed with DTSC said that we would pay for
25 DTSC oversight. It didn't say one person, two people or

1 three people.

2 So first of all, to answer your question
3 directly, that was not put on the table at all. I mean, we
4 didn't even -- I think it's a non-starter.

5 I think that with Rick Moss is that he's in
6 charge of getting the max -- maximizing his cost recovery
7 and now he's got this pool of folks that he's not getting
8 cost recovery from the Army, and the only reason why he's
9 moving over -- moving them over to us is in the hopes of
10 getting some kind of cost recovery for their salaries.

11 If he wasn't going to get that, he would
12 probably leave them at other sites and have them do
13 something else.

14 I'm probably putting words in his mouth, but
15 that would be my guess.

16 MR. NARALA: My understanding is most of the
17 programs right now are no longer getting general funds. We
18 are always getting as a cost recovery, we charge the client
19 and we get the money.

20 So if DTSC is trying to put two more project
21 managers and not getting any money back, the business won't
22 run for them, basically. They have to tap into some other
23 fund, which is not existing right now.

24 Ten, fifteen years ago, most of the programs
25 were running on general fund where the governor used to

1 give some money, but now very little, if any, general
2 funds.

3 So every single position is somehow or other
4 related to these charges.

5 MR. COOPER: Right. Now oversight costs are
6 allowable expenditures, but they're also -- it's getting
7 more expensive for us.

8 CHAIR YOUNGKIN: Okay. Just one little
9 footnote on this, too, is -- it was actually a footnote on
10 the table distributed that commented on a 2001 GAO study
11 that found that closing military bases increased 42 percent
12 over a two-year time period.

13 Basically it was a very brief discussion on
14 where this data came from, and it turns out there's an
15 Office of Economic Adjustment in the Federal Government,
16 and there's a woman there, Amanda Latik (phonetic) or
17 something like that --

18 MR. COOPER: Mm-hmm.

19 CHAIR YOUNGKIN: -- who we can actually
20 follow up with and who this office seems to keep track of
21 the cost the original estimates of military bases and how
22 much those costs have increased over the years.

23 We can compare with how we're doing here and
24 these other bases. 42 percent increase over two years
25 makes it seem like we may be one of the more efficient

1 bases, actually.

2 MR. COOPER: The costs are not increasing as
3 much as the national average. I was a little embarrassed.
4 I did not know about this federal agency. I never heard
5 about it before, and back when I was putting my briefing
6 documents together about -- about the cost -- shortfall
7 that we're projecting for Trust management, I was working
8 as hard as I can to put some kind of context to our cost
9 increases, and that GAO audit was the best that I could
10 come up with.

11 I'm definitely going to pursue that lead and
12 talk to that person about the Office of Economic
13 Adjustments and see what kind of data they have that we can
14 share with everybody here and see how we're doing from, you
15 know, statewide averages and western states and national
16 averages and things like that.

17 I think that will be really interesting for
18 us to take a look at. Hopefully the data's there.

19 MR. BERMAN: Is that office in the GAO?

20 MR. COOPER: I don't think so. Didn't -- I
21 don't know. I haven't even started to follow up on that
22 yet.

23 MR. BERMAN: Do you think it could be
24 someone in the DOD?

25 CHAIR YOUNGKIN: Sure.

1 MR. COOPER: Don't know. You mean as far as
2 -- yeah. We'll figure out what branch of government
3 or -- yeah. We know it's the executive, but what
4 department.

5 MS. SEGAL: Hopefully the data will show the
6 change on projected versus reality. Maybe we can shed some
7 light on where the money was found or the project was
8 totally changed. That will be part of that same picture.

9 MR. COOPER: That will be great. I would be
10 happy just to have the cost data, but if there's some
11 explanations what were some of the reasons for cost
12 increases at other sites, see if they put it into --

13 MS. SEGAL: Categories.

14 MR. COOPER: Categories, yeah.

15 MS. SEGAL: Interesting.

16 MR. COOPER: Yeah.

17 MS. BLUM: Since we only have a certain fund
18 from which to draw from remediation and other organizations
19 who are cleaning up Army bases, can't they can go into the
20 Superfund? They can go back to the Congress for more money
21 and so on.

22 My question is: For these other area --
23 other organizations that are experiencing 42 percent cost
24 increases over two years, are they getting additional
25 funding?

1 MR. COOPER: Yeah, I mean, we can find out
2 what likely is happening -- there is no Superfund anymore,
3 right? It's totally gone. The tax was dissolved.

4 It expired about six, seven years ago and
5 then EPA spent down those amounts and I think they have
6 very little -- they're getting -- EPA Superfund sites that
7 are private sites now where there's no party paid for it,
8 EPA's using federally appropriated or EPA money that
9 Congress gives them for Superfund sites.

10 Now at military sites, the military gets its
11 money from BRAC funding or -- has various pots of money,
12 also.

13 So what I'm assuming what the military's
14 doing, if they're seeing a site that is experiencing cost
15 increase, there's probably a couple things going on. Its
16 cost increases are competing against other military sites,
17 and I'm assuming the military probably has some kind of
18 matrix to prioritize which sites are going to get, you
19 know, increases of money, if at all.

20 Because I'm sure their budgets are really
21 shrinking because of other -- other expenditures going on
22 in the Federal Government right now, and so what they're
23 probably doing is spreading out their schedule, you know,
24 and except for maybe at BRAC sites where there's a lot of
25 political pressure to -- you know, from local governments,

1 because a lot of base closure sites are getting transferred
2 to cities and counties, if there's enough political
3 pressure, then there might be some money to kind of fix
4 that, but otherwise, without that fix, I'm sure their
5 schedules are just getting spread out.

6 MS. BLUM: Okay.

7 MR. COOPER: Yeah.

8 CHAIR YOUNGKIN: Any more comments,
9 questions on the RAB Summit meeting?

10 Okay. Moving it along --

11 MR. BERMAN: Just one small -- since we
12 don't know what the action items are at this time,
13 presumably, though, an action item pretty much is for Rick
14 Moss to get back to you with some potential people --

15 MR. COOPER: Mm-hmm.

16 MR. BERMAN: -- ASAP, right?

17 That seemed to be like the one thing to come
18 out of that meeting from people who are not usually there
19 as an action item.

20 MR. COOPER: Yes. We are expecting some
21 proposal from DTSC with respect to new staff that they
22 would -- you know, to recommend assigning to our project,
23 and I don't -- we didn't talk about the details, whether we
24 get to interview these people or -- you know, I personally
25 think that would be important, to make sure that we get,

1 you know, some good folks, and I think that we'd really be
2 looking to Bob to help out on that.

3 We don't know people in DTSC staff, but, you
4 know, I would assume Bob certainly does from -- it will be
5 people right in his Berkeley office.

6 So I've already mentioned that to Bob that
7 we'd be looking up to him to help, you know, try to get,
8 you know, good folks to get assigned to our project.

9 MR. BERMAN: Right. So will they
10 actually -- the two new people, will they be reporting to
11 Bob?

12 MR. COOPER: They did not say that. I would
13 assume that the two new people, Bob would take some kind of
14 mentor or team leader role, maybe at the beginning or maybe
15 in the long -- in the long-term, as well.

16 We did not get into the level of, you know,
17 whether these new people would be signing their own, you
18 know, letters.

19 I think that would be my recommendation to
20 kind of decentralize it, or actually -- Bob does sign
21 sometimes his own level. Most letters are signed by Dan
22 Murphy.

23 MR. ULLENSVANG: Bob's not classified as a
24 supervisor, so I think it's unlikely that he would be
25 signing.

1 MR. COOPER: Mentor role, then.

2 CHAIR YOUNGKIN: I'll distribute the meeting
3 notes as they come out. It doesn't take very long.

4 MR. COOPER: They'll be out by the end of
5 this week.

6 MR. BERMAN: So actually, these people are
7 going to report to Dan Murphy?

8 MR. COOPER: Yes, yeah.

9 MR. BERMAN: Okay.

10 MR. COOPER: They have to get transferred
11 into his section. It's a pretty big decision.

12 MR. BERMAN: Yeah. The -- the
13 administrative process is a little bit murky at this moment
14 as to, you know, who orders who to do what and who can sit
15 on somebody when they don't do their work correctly and
16 stuff like that.

17 MR. COOPER: Yeah.

18 MR. BERMAN: If it all has to come from Dan
19 Murphy, that would be very awkward.

20 MR. COOPER: Maybe you guys would want to
21 talk to Dan Murphy when he's recommending this new staff to
22 see if Dan could come to a RAB meeting or meet -- have a
23 daytime meeting or some RAB representatives go over to
24 Berkeley and talk about these folks.

25 I don't know. I'm just throwing out some

1 ideas, because we did talk about a Summit meeting that we
2 would not have to modify our consent agreement, which I
3 think is a good thing just to kind of reduce the paperwork
4 process here that, you know, the Trust would basically meet
5 these folks, and like I said that if it looks like they're
6 good, we're making progress, then send in our oversight
7 bill and we'll pay it.

8 What will get tricky is we feel that we got
9 stuck with some not so good DTSC staffers and we would let
10 them know that we're not going to -- that will get tricky,
11 that -- if we -- you know, you may -- may or may not know
12 what happened when we try to shave ten percent off of a
13 recent DTSC invoice.

14 It didn't go over very well, to say the
15 least, but I think it's important that, you know, to get
16 that concept across that we want people that are going to
17 be hard workers, yeah.

18 CHAIR YOUNGKIN: Okay. Any more questions?
19 Yes.

20 MS. BLUM: Just one comment on that. I
21 thought Craig's idea was a very good one, but I think my
22 personal feeling is that you and our moderator could handle
23 that communication with DTSC rather than having Mr. Murphy
24 come over here and go under the gun for all of our
25 questions.

1 MR. COOPER: Mm-hmm.

2 MS. BLUM: I would certainly delegate that
3 to you.

4 CHAIR YOUNGKIN: Some of it may be just a
5 trial and error kind of process, too. You don't really
6 know who you're going to get until they're there for a few
7 weeks.

8 MR. COOPER: Very true. Very true, yeah.

9 MR. BERMAN: Except that Bob has been with
10 this project for five years or so, at least, and he's very
11 familiar with that, and if these are people in DTSC that he
12 knows, he should be in the position to -- to calibrate
13 their competence relevant to the work that needs to be
14 done.

15 And so it would seem to me that -- that --
16 somehow that Bob should give us the -- the -- the skinny on
17 who Moss shifts over so we know -- or you know, rather, you
18 know, whether this is going to be good or bad.

19 CHAIR YOUNGKIN: We have some lead time on
20 this; right?

21 MR. COOPER: Yeah.

22 CHAIR YOUNGKIN: It's something that's going
23 to start next February?

24 MR. COOPER: No. It could be sooner.

25 Brian, do you remember any kind of deadline?

1 MR. ULLENSVANG: (Nods head negatively).

2 MR. COOPER: I don't remember any deadline
3 on this. I'll look at the meeting notes and compile a list
4 of action items, and maybe when I send out the meeting
5 notes, Genevieve -- maybe I'll send them out
6 with -- that there is some action items that people need to
7 focus on so this doesn't fall off the table and you guys
8 can bring it up at RAB meetings.

9 CHAIR YOUNGKIN: We'll follow up with Bob.
10 Okay. Let's move on to the Baker Beach
11 progress report, basically on excavation activities --

12 MR. COOPER: Mm-hmm.

13 CHAIR YOUNGKIN: -- 1 and 2A.

14 MR. COOPER: We have some photos that I've
15 spread out on the back table there, so if you haven't seen
16 them already, feel free to see them during the break or
17 after the meeting.

18 CHAIR YOUNGKIN: Or right now.

19 MR. COOPER: Or right now. Yeah. We could
20 go hover around them right now if you want. It's up --
21 whatever you guys want to do.

22 The -- you know, as you know at Baker Beach
23 1, we have been digging there for quite a while now and we
24 have pretty much -- you know how I said that we were at a
25 ravine that we started to dig into?

1 We have now dug our way pretty much down and
2 out of the ravine.

3 So there is a strip of landfill left at Baker
4 Beach 1 on the far south side that we're intentionally
5 leaving, because that's where the conveyors go up, so we
6 really can't dig at one anymore.

7 So we've switched over to Baker Beach 2A.
8 There's been a lot of digging going on there over the last
9 couple of weeks, and as you know, there was a design
10 change.

11 Instead of sending the waste directly up the
12 hill at 2A, we have a conveyor belt system that sends the
13 waste kind of around the bend, basically, over to the Baker
14 Beach 1 conveyor system where it is taken up to the top of
15 the bluff to our -- to our stockpiles and for loading on to
16 the -- on to the trucks.

17 So 2A is under full steam ahead and it is --

18 MR. BERMAN: The vertical elevation is being
19 done by relay like it was done at 1?

20 MR. ULLENSVANG: No.

21 MR. COOPER: No. Conveyors only.

22 MR. BERMAN: Okay.

23 MR. ULLENSVANG: The waste is coming down
24 and going down by spider. So it's kind of pulling it down
25 to a bulldozer and taking it across to the conveyor.

1 MR. BERMAN: And when it gets -- when it
2 finishes its horizontal path, it's not being relayed up.
3 It's actually going by conveyor.

4 MR. COOPER: Conveyor.

5 MR. ULLENSVANG: Horizontally over to Baker
6 Beach 1 and then going up by conveyor.

7 MR. BERMAN: Because at one point over at 1,
8 they were doing it by relay.

9 MR. COOPER: Correct.

10 MR. ULLENSVANG: Because they're already on
11 a conveyor going across, they don't have to change hands.
12 They just got conveyor linked together.

13 MR. COOPER: A conveyor that goes over and
14 another conveyor that goes up. Just like that, over and
15 up. Because we're using -- we're so heavily dependent on
16 conveyors on this one, they -- there's a -- an
17 excavator -- and there's a picture of it -- that just
18 basically grinds the soil because we don't want -- we can't
19 have big chunks -- take out the big chunks of concrete
20 because you can't be plopping them on the conveyor belt
21 because they've fall off.

22 We have the soil, and you can take a picture
23 of it. It's very kind of fine, no big chunks in there and
24 it's working out quite well.

25 We're not having soil spilling off the

1 conveyor belt even though there is kind of a protected
2 pathway as it goes across over to the Baker Beach 1
3 excavator, but it seems to be working just great.

4 MR. BERMAN: So at the top of 1 is just --
5 it sits up there in a big pile, and then does it get
6 covered or does it just sit there?

7 MR. ULLENSVANG: It gets covered. It's up
8 along the old line of Merchant Road -

9 MR. BERMAN: Yeah.

10 MR. ULLENSVANG: -- and depending on the
11 sequence of testing, it waits for test results, and if it
12 doesn't need to, it's loaded into trucks on the old
13 Merchant Road line, and when the pile is not active, it's
14 covered.

15 MR. BERMAN: It gets covered, because
16 presumably if there is --

17 MR. ULLENSVANG: To reduce any sort of
18 movement of material off the pile.

19 MR. COOPER: Right. Dust and, you know --
20 we're expecting rain tonight. So we've had contingency
21 plans for what are we going to do if it rains while we're
22 still in excavation mode to prevent erosion.

23 So all those measures have been put in place
24 today.

25 MR. BERMAN: I went with George to do

1 the -- for a site inspection and tour and I have to say to
2 everybody it's actually very impressive the way that the
3 operation is done.

4 It's quite elegant in terms of the conveyors,
5 and I saw it in both the conveyor mode and the relay mode,
6 and even the relay mode, which was a little bit brute
7 force, was still pretty -- pretty nice.

8 MR. COOPER: Right.

9 CHAIR YOUNGKIN: Now the volume of soil has
10 increased significantly --

11 MR. COOPER: Yes.

12 CHAIR YOUNGKIN: -- over the initial
13 projections.

14 Would you talk about that a little bit,
15 Craig?

16 MR. COOPER: The volume of soil has
17 increased significantly over the initial projections.
18 George is in the process of finalizing those numbers, and
19 so I don't end upsetting -- releasing two sets of numbers,
20 I would really -- they'll be ready by the next committee in
21 two weeks for sure.

22 We've let Jeff Deis know about a volume
23 increase and how much volume and how much more money, but
24 we're saying cool it at this point.

25 We're now kind of out of that ravine. We've

1 dug into 2A enough hopefully to see if there's another
2 ravine lurking in there.

3 Brian, do you know anything on that whether
4 there can be a ravine?

5 MR. ULLENSVANG: I don't know if they
6 projected. It could be a little higher than normal. The
7 slope of the site is going to be thicker than expected, but
8 it's not because of a ravine.

9 MS. SEGAL: Are they doing on-site testing
10 or immediate testing?

11 MR. ULLENSVANG: For where the waste ends?

12 MS. SEGAL: Yeah, or to determine whether
13 you need to take out more or less?

14 MR. ULLENSVANG: They can see it visually.
15 It's a very obvious visual that they can see. They have a
16 very good sense of when they're at the bottom of the waste
17 and then they do testing to confirm that, but it's a
18 transition from the waste material, which is one color and
19 texture and has debris in it, to the native serpentine,
20 which is very different color and texture ceiling.

21 MS. SEGAL: So regardless of what the waste
22 might be or if there needs to be some kind of testing of
23 the soil, this is strictly taking out any of the debris
24 fields.

25 MR. ULLENSVANG: And they're there testing

1 it. The material they're moving off is hazardous, so it's
2 not going to take any extra soil off in any sort of
3 quantities.

4 MR. COOPER: Right.

5 MS. SEGAL: And initial projections were
6 based just on sample core sites?

7 MR. COOPER: Borings and I think --

8 MR. ULLENSVANG: There was some trenching.

9 MR. COOPER: Once we got the spiders, yeah,
10 we were able to do some trenching. Obviously we missed the
11 ravine. We didn't put the trench -- we didn't know, and so
12 we did some trenching across there, but we hopped over the
13 -- over the ravine. That is the primary reason in volume.

14 MS. SEGAL: And is the age of the debris
15 consistent of what you thought it would be, the timing? I
16 mean, we're --

17 MR. COOPER: The things that we're finding
18 in it are things that we expected to find in it, yeah. The
19 incinerator ash and the chunks of concrete and pieces of
20 the incinerator itself and things like that, yeah.

21 CHAIR YOUNGKIN: The way George explained it
22 to me out there was the -- where they would have had to
23 sample to find this ravine was difficult. It was going to
24 add a considerable amount of money to the investigation.
25 It didn't get to that spot.

1 MS. SEGAL: But these wastes aren't going to
2 a class I site; are they?

3 MR. COOPER: Oh, yes. Most of the waste is
4 going out as class I hazardous California or RCRA hazardous
5 waste.

6 MR. ULLENSVANG: Most of it California.

7 MR. COOPER: On 2A.

8 MR. ULLENSVANG: Some has gone out as II,
9 but some is going out at hazardous.

10 MS. SEGAL: Which costs more money.

11 MR. COOPER: A big jump. As soon as you go
12 from II to California, it doubles.

13 MR. ULLENSVANG: What surprised me is that
14 they found ash now in 2A.

15 MR. COOPER: Really?

16 MR. ULLENSVANG: They were dumping
17 incinerator waste there.

18 MR. COOPER: So, I mean, it really -- even
19 though it's more expensive, it -- to me, it provides more
20 justification for the cleanup work, that these -- both of
21 these landfills are apparently a lot more toxic than we
22 initially thought.

23 It's a good news/bad news. Bad news that
24 it's more expensive for the clean closure, but the good
25 news is that there's some nasty things on those bluffs that

1 really aren't appropriate for a national park, so --

2 MR. CHESTER: So protection for erosion
3 coming down to the ocean, you have hay bails or --

4 MR. ULLENSVANG: They're actually not going
5 to use too much. They're trying to keep it focused on to
6 where it's going to be needed and to putting in to
7 unnecessary emotion to help with the planting. It's hard
8 to plant through that.

9 MR. CHESTER: I can imagine you'll have more
10 significant runoff. Since the soil has been removed,
11 you're going to have more --

12 MR. ULLENSVANG: Correct.

13 MR. CHESTER: -- focused --

14 MR. ULLENSVANG: In the ravine, they're
15 going to put in dams and silk fences.

16 MS. BLUM: What was the second term?

17 MR. ULLENSVANG: Silk fences.

18 They actually had a lot of trouble with wind
19 erosion. They're going to have to protect against that at
20 certain points where the wind hits the ground. They're
21 being very thoughtful about what they use.

22 MS. SEGAL: And how has it been with the
23 public on weekends and stuff? Feedback?

24 MR. COOPER: I was away this last weekend,
25 but since it was so warm, I don't know.

1 MR. ULLENSVANG: Last weekend was Fleet
2 Week, too, so they -- they had prepared for this past
3 weekend without ever doing contact information, and there's
4 been -- it hasn't been -- there's been some people who
5 really wanted to use the beach, and so they've had to work
6 with those folks.

7 MR. COOPER: Yeah. What I've been told is
8 it's one or two persons a weekend that's been escorted out.

9 MS. SEGAL: Ah.

10 MR. ULLENSVANG: We've arranged for a
11 uniformed law enforcement presence there on days,
12 especially Sundays when there's no construction work going
13 on, which helps convince people that they shouldn't be
14 there.

15 MR. COOPER: So, I mean, I don't want to get
16 ahead of ourselves, but I think it's going to be very
17 interesting when we're completely done with 1 and we get to
18 see the final formation of that ravine and to see what is
19 now full system and what it looks like. It's going to be
20 very interesting.

21 I don't want to raise too much expectations
22 that it's going to look like Coyote Gulch, but it might be
23 a mini Coyote Gulch. So it's very exciting.

24 CHAIR YOUNGKIN: What is the percent
25 completion, would you say?

1 MR. COOPER: I would say at 1, we're eighty,
2 85 percent complete, so just that strip along the conveyor
3 belts right up the side of the landfill, and then at 2A, I
4 don't know. About half.

5 MR. ULLENSVANG: Thirty.

6 MR. COOPER: Thirty percent.

7 MR. ULLENSVANG: It's going to slow down at
8 the end. Those numbers are kind of the default waste,
9 which is going on really fast, but because of the
10 configuration, the sandway is going to go on for several
11 weeks.

12 During those weeks, work will be going on,
13 but it won't be the large quantity of work that's going on
14 now.

15 MR. COOPER: I'm just hoping that these
16 storms that are going to be coming in the several days, and
17 hopefully we'll go into a nice typical lull pattern that we
18 typically have in October. We won't get battered with
19 winter storms.

20 I think we'll get through this storm just
21 fine, but if we get through several in a row and the site
22 gets wet and it's hard for the operator to maneuver and we
23 have to wait till things die out, that can affect things,
24 as well.

25 MR. BERMAN: Are they still working

1 Saturdays?

2 MR. COOPER: Yes.

3 Did they work on Sunday?

4 MR. ULLENSVANG: I don't think so.

5 CHAIR YOUNGKIN: Can you come up with a
6 couple more site inspection dates, too in the future?

7 MR. COOPER: Sure, mm-hmm.

8 CHAIR YOUNGKIN: That will be good. I don't
9 know if everybody's made it out to the inspections yet, but
10 they're quite interesting.

11 MR. COOPER: Yeah. So if you come out now,
12 previous inspections, I don't think 2A was in operation at
13 that point, so you'd be able to see something new, and if
14 you came out again and see the work going on at 2A.

15 CHAIR YOUNGKIN: Can you put up a couple
16 days and send them out by e-mail?

17 MR. COOPER: We can try just before the next
18 committee meeting.

19 MR. ULLENSVANG: Daylight savings.

20 MR. ULLENSVANG: It's November now. But it
21 is getting dusky even earlier.

22 MR. COOPER: So we might want to --

23 MR. ULLENSVANG: It's kind of gray by 6:00.

24 MR. COOPER: We might need to do the Fridays
25 at noon type thing. That worked out.

1 CHAIR YOUNGKIN: Five o'clock, maybe, right
2 at 5:00 before the committee meeting.

3 MR. ULLENSVANG: We can do that.

4 MR. COOPER: Sure, yeah.

5 MR. NARALA: It's getting darker early, too.

6 MR. BERMAN: If they're working on Saturday,
7 that's the other possibility, too.

8 MR. COOPER: Mm-hmm.

9 CHAIR YOUNGKIN: Mm-hmm.

10 MR. BERMAN: During the day.

11 MS. BLUM: As I recall from the last
12 discussion, the only question that folks had is give us
13 enough time in advance.

14 If it is Friday at noon, they want to make
15 arrangements to be away from work for an extra hour.
16 Fridays worked, but they just needed to know in advance so
17 they could tell people.

18 MR. COOPER: Right. Okay.

19 CHAIR YOUNGKIN: We can do it Saturday.

20 MR. BERMAN: I went with George on Saturday.
21 We met at noon and, you know, it was pretty much a
22 full-scale operation going.

23 MR. COOPER: Yeah. Okay. So I'll take a
24 look at a Saturday at noon and a five o'clock before the
25 next committee meeting, and that will be on October 23rd,

1 and I will get back to folks about which Saturday, and I'm
2 assuming the Saturday at noon would be better than the
3 Friday at noon, yeah.

4 MR. CHESTER: Saturdays aren't good for me,
5 but I can work Fridays.

6 MR. COOPER: Okay.

7 MR. CHESTER: Or before the next meeting.

8 MS. CHEEVER: Does it have to be noon?

9 MR. COOPER: No.

10 MS. CHEEVER: For me, 11:00 or 1:30 would
11 work, but I'm only one person, on a Saturday.

12 MR. COOPER: Probably 11:00.

13 MS. CHEEVER: Could people do it at 10:30,
14 even?

15 MR. COOPER: So it's not right in the middle
16 of your day.

17 MS. CHEEVER: I have a commitment from 12:00
18 to 1:00.

19 MR. COOPER: Oh, every Saturday?

20 MS. BLUM: Give us a choice.

21 MR. COOPER: Yeah.

22 CHAIR YOUNGKIN: There's usually only a few
23 people that can make it, right?

24 MR. COOPER: Yes.

25 CHAIR YOUNGKIN: If you can make it on a

1 day, almost like make an appointment.

2 MR. COOPER: Right.

3 CHAIR YOUNGKIN: Take a time.

4 MS. CHEEVER: Saturday at 10:30 would be
5 good.

6 How long does it take? About an hour?

7 MR. COOPER: Max.

8 MS. BLUM: Fifteen minutes.

9 MR. COOPER: It's a very short work.

10 MR. ULLENSVANG: It depends on how fast you
11 walk and how many questions.

12 MR. COOPER: Right, and what will be
13 good -- I think it will be good to have folks see 2A in
14 action, and then you basically have seen the whole thing.

15 You've seen 1 in action already and you can
16 take a look at it again. You know, you can't --
17 unfortunately that ravine, from the vista point, you can't
18 quite get an appreciation of its depth from the vista
19 point, but when everything's all done, we'll get closer to
20 that ravine and check it out more closely.

21 We'll look at Saturday at 10:30 and October
22 23rd at 5:00.

23 MS. CHEEVER: That will be great.

24 MR. COOPER: Okay.

25 CHAIR YOUNGKIN: Any more questions,

1 comments on Baker Beach landfill removals?

2 Okay. Let's move on to topic number C,
3 Mountain Lake letter discussion and vote.

4 There's a copy of the most recent version of
5 it, hard copy over there on the desk.

6 Does everybody have a copy of that?

7 MR. BERMAN: Before we get into the letter,
8 I have a concern. I sort of -- an outside concern.

9 When I read this letter, there's an absence
10 of a -- of a set of events. Often Craig has told us there
11 was a certain date something happened. The initial -- the
12 initial request from -- from Caltrans, and then there was a
13 further meeting with more information.

14 So there's kind of a whole bunch of events
15 that occurred, and I don't know if there's a record of
16 those because -- and in the discussions that we've had
17 about this, Craig has often said, "Well, we talked to
18 Caltrans about this and then they came back and asked us
19 that."

20 So there's a whole -- a whole event catalog
21 that -- that had transpired, and when -- and I don't know
22 if that's been communicated to Sartipi or if there's even a
23 record of that, but certainly verbally Craig has mentioned
24 many occasions of interactions --

25 MR. COOPER: Right.

1 MR. BERMAN: -- to me and appendix to this
2 letter which would say here's a chronology of the
3 interactions between -- between the Trust and -- and
4 Caltrans would be a very powerful addendum, and I'm saying
5 this because I don't know whether that -- whether it's
6 possible, whether something like that already exists in the
7 communications with Caltrans, but certainly it's something
8 that would give the letter and would be backup to the
9 statements here that says hey, the Trust has been busy
10 responding to Caltrans requests and it's been a whole host
11 of communications and their dates associated with it.

12 So that kind of chronology, which is not in
13 the letter, would make the letter very much more powerful
14 and could be -- without having to redo major portions of
15 the letter, could be added as an appendix.

16 MS. SEGAL: One of the things that I think
17 the letter was changed to say is that the department's
18 first invitation was 2004. So part of what you're
19 saying --

20 MR. BERMAN: It's in there.

21 MS. SEGAL: But it was changed to make that
22 point. As opposed to a whole laundry list of dates. I
23 don't think Sartipi -- I don't know how hard it would be to
24 put something like that together, but I think the fact that
25 we added the -- the date in 2004 somewhat -- somewhat

1 addresses what you're saying.

2 MS. CHEEVER: I am glad that you mentioned
3 that because that part that was put in was something we
4 discussed at the committee meeting --

5 MR. BERMAN: Right.

6 MS. CHEEVER: -- two weeks ago, and after I
7 sent out a version yesterday, I guess, late afternoon, I
8 noticed my notes from the committee meeting and I put that
9 back in.

10 I wanted to point that out to point out that
11 this is ever so slightly different.

12 The other thing is we're the RAB. We're just
13 citizens here. Would we actually know all this chronology?
14 This letter says that we know it started in '04.

15 MR. COOPER: Exactly. Because you were
16 invited to one of those '04 meetings.

17 MS. CHEEVER: We know that the Trust has
18 worked diligently, but why would we as the RAB have such a
19 chronology to begin with?

20 MR. BERMAN: We would have to say that this
21 is the chronology provided to us by the Trust, because
22 there seems to be, as far as I know, no record of this
23 chronology, and somehow I was looking for an opportunity to
24 put down this chronology.

25 Sure, we don't keep tabs on all the business

1 that the Trust does, but we can certainly -- that's why I
2 say it's an addendum.

3 This is a chronology over discourse with
4 Caltrans as provided by the -- provided to us by the Trust,
5 because there isn't any record of this, and it's really
6 bothersome to me when I hear Craig say, "Well, we had this
7 discussion. There was this telephone call and then they
8 wanted some additional material."

9 So there was a whole bunch of responsiveness,
10 as the letter indicates some \$40,000 spent on -- on
11 activities, but, you know, it's still doesn't have the bite
12 that it could have with -- with a chronology.

13 CHAIR YOUNGKIN: That's something we could
14 work on.

15 Do we want to hold this letter up to wait for
16 that?

17 MR. BERMAN: I don't know. I don't know --
18 Craig would have to put it together --

19 MR. COOPER: Yeah.

20 MR. BERMAN: -- and my --

21 MR. COOPER: Not at my fingertips. I would
22 have to search through e-mails and put this together, and
23 then it depends on what level of detail you want this
24 chronology to be, kind of at a high level or low level.

25 But I think I'm willing to do it. I'd rather

1 not, to be honest, because also -- I mean, it's kind of
2 Julie's point -- then it starts to look like a Trust letter
3 instead of a RAB letter is my concern.

4 This is really your letter to write based
5 on -- the strength is it's -- based on our understanding,
6 you know, where we really were there and I know that Doug
7 had attended some of those meetings or even Mark.

8 I forget who was in attendance at those
9 things, those early meetings with Caltrans that you can
10 stand behind everything in this letter versus well, this is
11 what the Trust told us, you know, which is the best you'd
12 be able to do with a chronology.

13 Then it becomes more of a -- you know, they
14 can write back and say no, we did not pass the Trust.
15 That's not the point. The detail of who said what when is
16 kind of not the point.

17 The point is --

18 MR. BERMAN: I would agree with that. I
19 don't think you'd want to put that kind of detail. I just
20 think that chronology says that communication was made on
21 such a such a date, subject matter was generally this, and
22 so it doesn't really -- because there's a whole -- I mean,
23 there's so many communications that were made with --

24 MR. COOPER: Yeah.

25 MR. BERMAN: -- Caltrans.

1 MR. COOPER: There were several meetings. I
2 have to be honest. I didn't write them all down.

3 MR. BERMAN: I agree that you don't want to
4 make the letter look like it's coming from the Trust, but
5 this chronology is, in fact, a -- a -- a real commitment
6 between the two agencies to do something, and all of a
7 sudden you have Caltrans just turning around and saying,
8 "Well, you didn't keep the schedule, you know. Tough."

9 MR. O'HARA: My sense is -- and I think the
10 point has been made -- that we are a citizens group that is
11 distressed by the lack of funding and we're distressed
12 because we have general knowledge of things and we can't
13 connect the dots and we're asking either for an explanation
14 or for action.

15 If you include too much information, the
16 guy's going to start looking -- start running for cover and
17 you perhaps lose the whole point of what you're trying to
18 accomplish here is to get them to take a second look at
19 this and to be responsive, and I think if you give them too
20 much information, you pin them up against the wall and you
21 create an enemy, and maybe that's not what we want to do
22 right now.

23 We want to get the state to be responsive,
24 and I think there's just enough information in there that
25 you can get -- you're demanding a response, but if you --

1 if you ask -- if you supply too much information, you're
2 basically burying somebody and you may not get the
3 cooperation that you want in the long run.

4 I think --

5 MR. BERMAN: Well, I would agree.

6 MR. O'HARA: -- the next time you write,
7 that's when you have all of the facts.

8 MR. BERMAN: Yeah. I would agree with that,
9 but you might want to say in the body of the letter that,
10 you know, there were numerous -- numerous meetings.

11 MS. CHEEVER: It does say multiple
12 occasions.

13 MR. O'HARA: There's -- there's reference to
14 -- to the back and forth in the dialogue, and I think for
15 the time being, if what you want is a -- is a conditioned
16 response, that's what you need to say.

17 If you don't get any response or you get some
18 sort of a -- of a condescending response, that's when you
19 bury him --

20 MR. BERMAN: Yeah.

21 MR. O'HARA: -- on both chapter and verse.

22 MR. BERMAN: I think it's a good point
23 you're making, Peter.

24 MR. O'HARA: I don't think you want to make
25 an enemy right now.

1 MR. BERMAN: Right. I think that it's a
2 good point.

3 CHAIR YOUNGKIN: Chronology could be
4 important later on when you try to -- more of making a
5 case.

6 MR. BERMAN: Right.

7 CHAIR YOUNGKIN: Gloria.

8 MS. GEE: I want to find out, because I've
9 been really snowed under with other things. Was it a
10 collective purpose to sort of soft pedal or go medium pedal
11 in getting the message over?

12 MS. CHEEVER: Well, my --

13 MS. GEE: I find it really soft.

14 MS. CHEEVER: Soft? This is actually
15 stronger.

16 MS. GEE: I know, but I just wanted to know
17 how hard you wanted to go.

18 MS. CHEEVER: This is stronger. I have an
19 earlier draft which was much softer than this. I think the
20 meeting of September 10th, which I don't have my notes
21 from, 13th, people wanted it to be stronger. It was
22 thought that there were enough changes that we had to work
23 on at the committee.

24 How many people would you say that were at
25 the committing?

1 MR. BERMAN: There was about eight people,
2 and I think everybody -- everybody felt that the original
3 draft coming from Doug was -- was eloquent, but dainty.

4 MS. CHEEVER: So the committee, I
5 believe -- not all of them is here -- kind of came to a
6 consensus about -- first of all, it wasn't all that smooth
7 to put in. That's what these latest drafts have been.

8 To give my own opinion, I think this is about
9 as strong as a citizen's group should presume to be talking
10 to the agency. It's actually -- to an agency, it's
11 stronger than I would naturally do, but I'm only one
12 person, but I feel it would be pretty hard to be stronger,
13 because you can't be too presumptuous. That's what I mean.

14 MS. GEE: I mean, it's not really strength,
15 but in terms of clarity and just -- because, you know, like
16 people can get lost in a really lengthy sentence, and I'm
17 just going to say like, you know, that we were saying that
18 "the park areas at the bottom of the first page adjacent to
19 the lake are widely used by" and it goes on for like almost
20 three lines --

21 MS. CHEEVER: Yeah.

22 MS. GEE: -- just to make it clear that
23 they're used by people and families and full stop.
24 Collectively they are concerned about, because you're
25 getting into a long path and, you know, if you wanted to be

1 a little bit more clear, you could just like break that
2 out, just shorten that sentence and end it with that first
3 line, young children and collectively they are concerned
4 about everything else that you follow.

5 That's just a very minor tweaking.

6 MS. CHEEVER: That sounds fine.

7 MS. GEE: But if you want to make sure that
8 you don't lose the message to the reader, and then I guess
9 you sort of answered already, because like to me -- because
10 I've been doing some of these really awful negotiations
11 lately and I'm just so blunt right now because I don't want
12 all this pussyfooting around, and I find in reading this --
13 I haven't had the time to engage in your different
14 revisions -- it seems very tepid.

15 If that's the way you want it, that's fine,
16 but okay.

17 CHAIR YOUNGKIN: I guess my impression on
18 this sort of first letter like this, it was fairly strong.
19 I know it could be more blunt, but I think there's follow-
20 up letters that can be more persuasive if needed, but as a
21 first letter to sort of get a point across, I thought it
22 was fairly strong, I guess.

23 MR. O'HARA: You don't want to drive a
24 steamroller into the guy's office before you've had an
25 opportunity to shake hands.

1 MS. GEE: This is really like very, you
2 know, mild.

3 MS. SEGAL: Yeah.

4 MS. GEE: Just like I'm in this transaction
5 that's been going on since December and I'm just really --
6 can't get it over -- you know.

7 CHAIR YOUNGKIN: Mm-hmm.

8 MS. GEE: I don't want to upset the cart
9 here, but I just wanted to know what your motivation was,
10 because it seems having read it for the first time pretty
11 much -- it comes across very, you know -- but I'm not the
12 agency. I'm not the Caltrans on the other end, but -- but
13 that's just my thought.

14 MS. SEGAL: I think it's a lot stronger than
15 when Doug first presented it at the committee meeting and I
16 think it's fine that way.

17 MR. BERMAN: The opening paragraph, just for
18 clarification, don't you want to say: "Denial of funding
19 to the Presidio Trust"? because it's sort of unclear.

20 Yes, eventually the opening sentence is
21 supposed to sort of say what it's all about, and I think it
22 should say: "Denial of funding to the Presidio Trust for
23 the Mountain Lake."

24 MR. COOPER: "Funding of the Presidio
25 Trust's, you know" --

1 MR. BERMAN: Something.

2 MR. COOPER: -- "Mountain Lake project."

3 MR. BERMAN: Something to the Presidio Trust
4 and that's why the RAB is responding. I mean, you could
5 read that -- you know, that opening sentence and can wonder
6 why the RAB is responding here, identify where the money
7 was supposed to go to.

8 CHAIR YOUNGKIN: So Presidio Trust Mountain
9 Lake dredging project.

10 MS. CHEEVER: I think it's a denial of
11 funding to the Presidio Trust for --

12 MR. BERMAN: Right. That's what I think it
13 should say.

14 MS. SEGAL: Is the subject okay? It doesn't
15 say.

16 CHAIR YOUNGKIN: I think the Presidio Trust
17 into the subject, too.

18 MR. BERMAN: You don't need it in both
19 places. If you put it in the subject, you don't really
20 need it in the first sentence.

21 The reason why I suggested that is it's not
22 in the subject. The subject is a general thing, but you
23 make it specific to the Presidio Trust.

24 If you put it in there, you don't really need
25 to change the subject.

1 CHAIR YOUNGKIN: Jan.

2 MS. BLUM: No. I was just looking at my
3 watch thinking we're not going to get through our agenda.

4 MR. CHESTER: I think with Sam's latest edit
5 and what Peter said, I think we're getting to the point of
6 responding to this letter that came to us that had errors
7 or -- and then --

8 MR. BERMAN: Misinterpretations.

9 MR. CHESTER: -- misinterpretations of what
10 happened.

11 I think I think it looks pretty good the way
12 it is.

13 MR. BERMAN: Peter and Jan really make a
14 good point. This is probably not going to be the last
15 letter.

16 MR. COOPER: Right.

17 MR. BERMAN: And once you realize that, then
18 the question is how do you want to open the card game?
19 Show your aces or just say, you know, I've got some cards
20 here, folks.

21 CHAIR YOUNGKIN: And it's -- let them know
22 the community's concerned about it and they're watching it
23 and see how they respond.

24 Okay. Is there any more comments, questions?
25 Discussion?

1 MS. CHEEVER: I just want to point out
2 another teeny change since I saw it. Now it says Caltrans
3 instead of department and directs state or federal dollars.

4 The other thing is do we have a long enough
5 cc list? I think at one point we were talking about -- one
6 of the points that the RAB can make is about deficiency in
7 community relations, so did we want to send it to somebody
8 who specifically watches over community relations or DTSC
9 or to anyone else?

10 MR. ULLENSVANG: I think we send it to the
11 Trust.

12 MS. CHEEVER: Okay. Like to Craig or --

13 MR. COOPER: Craig Middleton.

14 MR. ULLENSVANG: Somebody in the Trust since
15 we're writing it about the Trust. It would be quite funny.

16 MR. BERMAN: We also in the committee
17 meeting talked about cc'g it to somebody in Pelosi's office
18 -- not Pelosi. In the state office.

19 MR. COOPER: State.

20 MR. BERMAN: Excuse me. And Michelle was
21 supposed to find out who that would be, but I don't know if
22 she did that.

23 MS. CHEEVER: In the state office of DTSC.

24 MR. BERMAN: The state office that funds the
25 Caltrans.

1 MS. CHEEVER: Oh.

2 MR. O'HARA: I think a copy should also go
3 to the state legislator from the district in which Mountain
4 Lake is located, and I don't know -- is that Leland Yee or
5 -- Mark Leno or --

6 MR. BERMAN: I think it's Mark Leno's --

7 MR. O'HARA: It's --

8 MR. BERMAN: Yeah.

9 MR. O'HARA: It's in his district. It's his
10 constituents that are upset about this thing. It is it's
11 his constituents that are taking their kids to a
12 contaminated lake.

13 MR. BERMAN: I think it's Mark Leno.

14 MS. BLUM: We should probably check that out
15 for accuracy. There's some gerrymandering of districts, so
16 we're not sure if it's Yee or Ma or Leno.

17 MR. BERMAN: Are you able to do that?

18 MS. BLUM: I could do it. I could do it,
19 sure.

20 Julie, I'll send you an e-mail.

21 MS. CHEEVER: Who's David Yam, the first
22 person on the list?

23 MR. ULLENSVANG: He's with Caltrans.

24 MS. CHEEVER: Is he above or below Sartipi?

25 MR. COOPER: Below.

1 MS. SEGAL: This says: "District 4."

2 MS. CHEEVER: At some point, you can make
3 things worse for the person you're sending to because
4 you're saying -- or not.

5 MR. O'HARA: If this is the top guy at
6 Caltrans, you know, who do you send it to? Schwarzenegger?

7 MS. BLUM: He's not the top.

8 MS. SEGAL: He's a district director.

9 MR. O'HARA: If you send it to -- send it to
10 state legislature, legislators and the city officials,
11 you've covered the base. This is the opening letter.

12 MR. BERMAN: Good.

13 MR. COOPER: Speaking of which, I know if
14 you do decide to copy county supervisors, again, there's a
15 boundary line that runs right near Mountain Lake, also, so
16 do some homework on that.

17 MS. CHEEVER: I think it's Alioto-Pier.

18 MS. BLUM: It is her district. They said it
19 goes to Mountain Lake.

20 MR. COOPER: You might want to keep two
21 because there's a boundary line's right there at the lake
22 somewhere.

23 MR. BERMAN: Right. It is Alioto-Pier.
24 You're right.

25 MS. BLUM: It is Alioto-Pier for sure.

1 MR. BERMAN: So at this moment is -- who is
2 actually going to modify the letter and get it in the final
3 form?

4 CHAIR YOUNGKIN: That would be me.

5 MR. BERMAN: Okay. So do you want to have a
6 vote tonight?

7 MS. GEE: A motion.

8 CHAIR YOUNGKIN: We have a quorum. I have
9 four. People sent e-mails in and said basically they would
10 approve the letter.

11 MS. CHEEVER: Actually, I think five.

12 CHAIR YOUNGKIN: Five, approximately.

13 MS. CHEEVER: I'm counting Doug and also
14 Michelle -- oh, Jan is here, though. At the time I wrote
15 your name down, you weren't here. So it is four. David
16 Bach and John.

17 CHAIR YOUNGKIN: The chair would entertain a
18 motion.

19 MR. O'HARA: I'll move that we approve the
20 letter as amended.

21 MS. BLUM: Second.

22 CHAIR YOUNGKIN: Is there any discussion?

23 Okay. We are voting to approve the letter as
24 amended tonight to Caltrans.

25 All those in favor, say yes. All those

1 opposed? The letter is approved.

2 I will make the changes and send it out and
3 I'll send you a draft first. Try to follow up on these
4 cc's and make sure I get all the right addresses for those.

5 MS. CHEEVER: If anyone has -- if anyone's
6 doing research on the cc's, send those to Mark, I guess.

7 MS. BLUM: Yeah.

8 CHAIR YOUNGKIN: These are cc's by e-mail;
9 right?

10 MS. BLUM: Sure.

11 MR. O'HARA: I would say when you send them
12 to the legislators, I would send them hard copies.

13 MS. SEGAL: I would, too.

14 MS. BLUM: Actually, I would probably do
15 both. I would send one e-mail and hopefully somebody will
16 read it someplace among the millions of pieces of mail they
17 get daily and then follow it up with a hard copy.

18 CHAIR YOUNGKIN: Yeah.

19 Okay. Moving on, regulatory agency status
20 updates and inputs.

21 Devender, do you have anything you'd like to
22 discuss with us tonight?

23 MR. NARALA: Yeah. Craig informed me that
24 1065 work plan implementation is going to break ground next
25 week.

1 MR. COOPER: Next week.

2 MR. NARALA: So that's kind of --

3 CHAIR YOUNGKIN: Pretty fast.

4 MR. NARALA: Yeah. So other than that,
5 nothing else.

6 CHAIR YOUNGKIN: Okay.

7 Okay. New business, and Doug had left me a
8 note saying that there was some holiday party planning
9 underway and that maybe we should bring it up here at the
10 meeting and kind of work out some preliminary planning for
11 that.

12 Would someone from the committee meeting like
13 to bring us up-to-date on what was discussed at that
14 meeting?

15 MS. SEGAL: We didn't get to it.

16 MR. BERMAN: It was just thrown up and I
17 think probably can we put that down as a committee meeting
18 agenda item?

19 MR. O'HARA: We didn't get there.

20 CHAIR YOUNGKIN: I believe we said David
21 Bach was bringing it up.

22 Any preliminary thoughts on where we would
23 hold this? Do it here again like last year? Anybody
24 volunteering a house, anything like that?

25 Okay. We'll put that as an agenda item for

1 the committee meeting.

2 So review of action items. Let's see what I
3 have here. Distribute the meeting notes from the Summit
4 meeting when they come out, probably by the end of the
5 week.

6 We're going to check with Bob Boggs on
7 meeting with Dan Murphy to discuss the personnel
8 assignments of the Presidio to see how that process is
9 going to work.

10 George Ford is processing or compiling the
11 costs for Baker Beach 1 and it's going to be an agenda item
12 for the committee meeting. We can present that.

13 We're coming up with some site trips to Baker
14 Beach 1 and 2A in the next couple of weeks and Craig's
15 going to send out an e-mail with those
16 prospective -- those planned dates when he comes up with
17 those, and we have an agenda item for the next committee
18 meeting to do some holiday party planning.

19 Any other action items that anyone can
20 remember or jotted down?

21 MR. BERMAN: I would like to bring up
22 something which I don't know whether it's an agenda item
23 for the next committee meeting or later on, but I've been
24 very impressed with Craig Cooper's devotion and expertise
25 over the years and I think that the RAB should write a

1 letter if it moves us, so -- but -- so I would propose that
2 we discuss that at one of the meetings, and I must say that
3 tonight with Craig on his way out the door, he's still in
4 there giving a hundred percent. Pretty impressive.

5 CHAIR YOUNGKIN: Okay. I'll add that to
6 committee business as an agenda item on the next committee
7 meeting.

8 Great. So the agenda items for the October
9 23rd committee meeting are George Ford overview of cost and
10 Baker Beach 1 and 2A, holiday planning and the discussion
11 of the letter for Craig Cooper.

12 MS. SEGAL: And was there some action
13 item -- follow-up that we could help Craig with on that --
14 the new department I'm figuring out, not only the increase
15 in cost, but other issues? Did you mention that? Wasn't
16 that something you said you might look into or someone else
17 look into for you?

18 MR. COOPER: What was that? Oh, the Office
19 of Economic Adjustments, right.

20 CHAIR YOUNGKIN: Office of Economic
21 Adjustments.

22 Any agenda items for the next regular RAB
23 meeting that will be in November? Is that our
24 quarterly --

25 MR. COOPER: It will be a quarterly, and my

1 last RAB meeting.

2 MS. CHEEVER: Your last one? When are you
3 leaving, though?

4 MR. COOPER: November 20th is what I'm
5 saying.

6 MS. CHEEVER: You are. I thought the
7 holiday party could be a bon voyage party.

8 MS. BLUM: Maybe we should move the party
9 up.

10 MR. COOPER: November of --

11 MS. CHEEVER: Will you be around?

12 MR. COOPER: I will not. Actually, let me
13 check my -- I'll be out of the country, but I'm coming back
14 December 15th.

15 MR. ULLENSVANG: After the RAB meeting.

16 MR. COOPER: So it's after the RAB meeting.

17 MS. BLUM: You probably planned it that way.

18 MS. CHEEVER: Craig, how can they possibly
19 get a replacement by December?

20 MR. COOPER: No. Applications are coming
21 in, yeah.

22 CHAIR YOUNGKIN: George Ford --

23 MR. COOPER: George is going to cover it.
24 If we don't have someone hired by December, then George is
25 going to cover in an interim period.

1 I may come back in early January to spend a
2 couple days with this person for transition, so --

3 MR. BERMAN: Yes. You may come back and
4 have Jeff Deis on leave.

5 MR. COOPER: What's that?

6 MR. BERMAN: Come back and send Jeff Deis on
7 leave and --

8 MR. COOPER: We could have a -- instead of a
9 holiday party, we can have a Happy New Year's party in
10 early January if you want to do that. But I won't be
11 around really in December.

12 MS. CHEEVER: We usually don't have a
13 November committee meeting, either, because it's so close
14 to --

15 MR. ULLENSVANG: We don't have a December
16 meeting. I thought we usually did.

17 CHAIR YOUNGKIN: In December we don't.

18 Okay. Any more comments? Discussion,
19 questions, announcements?

20 Seeing none, meeting adjourned.

21 (The meeting adjourned at 8:46 PM).

22 ---o0o---

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1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

3

4 I, the undersigned, hereby certify that the
5 discussion in the foregoing meeting was taken at the time
6 and place therein stated; that the foregoing is a full,
7 true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the foregoing
10 meeting and caption named, or in any way interested in the
11 outcome of the cause named in said action.

12

13

IN WITNESS WHEREOF, I have
hereunto set my hand this

14

15

24th day of October,
2007.

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Mark I. Brickman CSR No. 5527

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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, NOVEMBER 13, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

1
2 RAB Members:
3 Doug Kern, Facilitator
Mark Youngkin
4 Craig Cooper
Bob Boggs
5 Devender Narala
Peter O'Hara
6 Gloria Gee
Sam Berman
7 Jan Monaghan
Julian Hultgren
8 John Budroe
Jan Blum
9 Edward Callanan
David Bach
10 Barbara Newton
Toni Kramer

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17 BE IT REMEMBERED that, pursuant to Notice of
18 the Meeting, and on November 13, 2007, at the Officer's
19 Club, Building 50, Presidio of San Francisco, California,
20 before me, MARK I. BRICKMAN, CSR No. 5527, State of
21 California, there commenced a RAB meeting under the
22 provisions of the Presidio Trust.

23 ---o0o---
24
25

AGENDA

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1
2 FACILITATOR KERN: I'd like to welcome
3 everyone here today. It's the regularly scheduled meeting
4 of the Presidio Restoration Advisory Board November 2007.
5 Welcome to the Trust, the Park Service, the regulators and
6 Community RAB members and members of the public. Welcome
7 to the meeting tonight.

8 Are there any changes, modifications to the
9 agenda?

10 MR. BACH: Doug, I'd like to -- in lieu of
11 the current event of the oil, I'd like to just get some
12 feedback as far as how the Presidio Trust -- their
13 response. I'd just like to get a pulse.

14 FACILITATOR KERN: All right. We can
15 definitely do that.

16 How about if we do that under committee
17 business and reports? We'll do that after the holiday
18 party planning update. Not that the oil spill comes third
19 after the holiday party planning, but just to catch it
20 there.

21 Are there any announcements? Craig.

22 MR. COOPER: Brian Ullensvang of the Park
23 Service cannot attend tonight. He is very busy in the oil
24 spill response team, and because -- you know, he is not
25 only in charge of remediation efforts and environmental

1 affairs in area A of the Presidio, he also looks at all of
2 the GGNRA.

3 So he's all on these task forces and work
4 groups and things like that, so he's been very busy from
5 day one on the oil spill response. He thought he could
6 make it tonight and I got a call from him about five
7 o'clock saying there's some special planning meeting that's
8 going on tonight. So he cannot make it.

9 And I was hoping if he could make it, he
10 would be the right person to do a report on that.

11 The Presidio Trust, you know, we're
12 landlocked basically, so we really don't have much -- we're
13 not involved in the response.

14 FACILITATOR KERN: Any other announcements?
15 Sorry we'll miss Brian tonight.

16 MR. BERMAN: There is an announcement about
17 a farewell party to Craig on Monday.

18 FACILITATOR KERN: That's what I understand.
19 There is a party from 4:00 to 7:00 at the Trust Offices for
20 Remediation department. That's building 67.

21 MR. COOPER: 67. 67 Martinez Street if you
22 want to do a Google map or Mapquest on it. It's right
23 behind the YMCA. Come on by any time between 4:00 and
24 7:00. Very informal. We'll just have wine and cheese, a
25 little bit of hors d'oeuvres and chitchat.

1 It's my -- well, I don't know if this is on
2 the agenda. So, you know, my last day as the program
3 manager is November 20th, and so next week Monday in the
4 afternoon is the 19th. So it's like a very fitting day, I
5 guess.

6 MS. NEWTON: Is that your last last day?

7 MR. COOPER: No. It's my last day as the
8 program manager, and then George will be taking over as
9 interim program manager starting on November 21st, and we
10 hope to -- we're still in the interviewing process right
11 now for my replacement.

12 We hope to make -- do a second round of
13 interviews sometime at the end of the month and make an
14 offer to someone by the end of the month, and then that
15 person would be starting in January is what we hope, and
16 then I will come for a week or two in January -- mid
17 January to do some transition meetings with this person.

18 MS. NEWTON: What will you be doing between
19 November 21st and January? You won't be here.

20 MR. COOPER: I'll be out of the country.
21 I'm going to my --

22 MS. NEWTON: You really will -- that is your
23 last day, then?

24 MR. COOPER: As program manager, right.
25 When I come back, the new program manager should be aboard,

1 and so then I would be just helping that person.

2 MS. NEWTON: Okay. I got it.

3 MR. COOPER: Yeah, so -- Right. So this is
4 it. Next week Tuesday.

5 In fact, I need to send out a letter to
6 everyone under our agreement that I have to give -- the
7 Trust has to give -- everybody has to give seven days
8 advanced notice in change in project managers with official
9 authority and stuff like that, so I need to get that letter
10 out from the Trust side.

11 FACILITATOR KERN: So I suppose this is
12 Craig's official last meeting.

13 MR. COOPER: Correct.

14 FACILITATOR KERN: Try and be extra hard on
15 him.

16 MR. COOPER: This is your last chance to
17 take shots at me.

18 MR. O'HARA: Is the next guy going to be
19 able to work the Power Point?

20 MR. COOPER: Good one. That's a very good
21 one.

22 MR. NARALA: He will need help to do it.

23 FACILITATOR KERN: He will have to make good
24 friends with Devender because he's running the Power Point.

25 MR. COOPER: My IT support.

1 FACILITATOR KERN: All right. That was a
2 good announcement.

3 Moving on to committee reports. Mark.

4 MR. YOUNGKIN: Okay. The RAB committee met
5 on October 23rd and George Ford gave us a long discussion
6 and breakdown on the cost on Baker Beach 1, Baker Beach 2A
7 landfill removal sites and he said the mass excavation was
8 going to finish last week or so.

9 Is that right?

10 MR. COOPER: At both the sites, I believe
11 so, yeah.

12 MR. YOUNGKIN: Great.

13 MR. COOPER: We're done, and then
14 there's -- still doing confirmation sampling. Well, it's
15 in the presentation.

16 MR. YOUNGKIN: And then George went over the
17 finding of some cannonballs, armor bursting shells.
18 Another one was done recently, and George went through cost
19 data, final cost estimated at 10.9 million for the two
20 landfill removals, and he went through an explanation of
21 the volume increase in the size of the landfills.

22 For example, Baker Beach 1 was estimated at
23 31,000 tons. It ended up at 49,000 tons. Baker Beach 2A
24 was estimated at 10,000 tons. It ended up at 15,000 tons.

25 So the cost increase was mostly due to the

1 increase in the size of the landfills.

2 MR. BERMAN: And it was all California
3 hazardous.

4 MR. COOPER: Correct.

5 MR. YOUNGKIN: 2,100 tons of RCRA class I
6 waste. The majority is also California hazardous waste.
7 The landfills were also more toxic than originally
8 believed.

9 And then he finished up by saying that scope
10 growth, I guess, is an allowable insurance cost, so these
11 cost increases can be claimed under the insurance.

12 And then we talked about Craig Cooper's
13 departure and his action plan for leaving, I guess, and
14 talked a little bit about the Summit meeting.

15 And the party, ended up talking about the
16 party.

17 FACILITATOR KERN: Good.

18 MR. YOUNGKIN: The next meeting is the
19 fourth Tuesday of the month. Thank you.

20 FACILITATOR KERN: Will we be having one in
21 November?

22 MR. YOUNGKIN: Yes. It's December that we
23 call off the meeting.

24 MR. BERMAN: Tuesday after Thanksgiving.

25 FACILITATOR KERN: All right. Let's move on

1 to the holiday party planning. It just comes at such an
2 odd place in the agenda. Got it right up there at the top
3 of our priorities.

4 We know what kind of a group this is. Get
5 the party planning done early and quick.

6 So who do we have that can tell us a little
7 bit about the party? Jan's being volunteered, anyway.

8 MS. MONAGHAN: That's right. Well, Julie
9 had sent us a to-do list, so I'll pick up from that. She
10 wanted to know -- we're trying to make sure that we -- if
11 we're going to have some official business to conduct in
12 December, that we have the meeting here. If not, then
13 she's willing to host it at her house.

14 FACILITATOR KERN: Okay. Is that a decision
15 we want to try to make?

16 MS. MONAGHAN: I think when we have
17 anything, we need to do it in December or not. And that
18 helps us decide which location to do.

19 And then it's a potluck, so we'd like to send
20 around a piece of paper and ask people to sign up whatever
21 they're willing to participate with and I think that's
22 about it.

23 Jan.

24 MS. BLUM: That's about it.

25 FACILITATOR KERN: Sounds -- sounds good.

1 MS. BLUM: We haven't had a volunteer for
2 the decorations department at the Officer's Club, and my
3 suggestion was that we draft Tracy Wright, make her come
4 all the way up from Monterey and help us with that.

5 FACILITATOR KERN: I'm sure she would like
6 to do something like that.

7 Perhaps we'll get some idea about what our
8 agenda for December might be --

9 MS. MONAGHAN: Okay.

10 FACILITATOR KERN: -- after our discussion
11 tonight.

12 MS. MONAGHAN: Good idea.

13 FACILITATOR KERN: Maybe we'll review
14 that --

15 MR. YOUNGKIN: Action items.

16 FACILITATOR KERN: -- under action items.

17 MS. MONAGHAN: All right.

18 FACILITATOR KERN: So the oil spill, at
19 least from my perspective, I know our own students here at
20 Presidio, we've immediately got them involved in tracking
21 what's been going on.

22 Of course most of you probably know, it's
23 been headed up towards Stinson Beach and headed down
24 towards Pacifica. Certainly all around inside the bay.
25 Lots of different stuff out there in the news.

1 I also talked briefly with Brian tonight and
2 he's been working twelve, fourteen hour days since the
3 start of it.

4 A lot of these -- he's the liaison for the
5 Park Service, a lot of different ways, and he says the
6 money is really flowing. The company with the boat is
7 totally paying for things to be taken care of.

8 At least from his perspective -- he mentioned
9 it to me -- he thought things were kind of going as good as
10 might be expected in terms of -- I mean, the kinds of
11 things that need to be coordinated are pretty amazing from
12 what he's saying.

13 There's all these people coming in from all
14 over the country, I guess, experts. They need to be put up
15 somewhere.

16 There are conferences going on. They've got
17 volunteers they're trying to take care of. They've had all
18 kinds of meetings, so they're getting food and water for
19 folks.

20 It's a big logistical operation just to
21 support all the people that are trying to do the work.

22 I don't really know much more than that about
23 it myself, but maybe there are other folks.

24 Bob, Devender, do you have any inside scoop
25 about the oil spill?

1 MR. BOGGS: I have no inside scoop myself.
2 Of course it's a hot topic and we get e-mails on it and
3 that kind of thing, but nothing other than really what's
4 making the news and that most people are hearing about.

5 FACILITATOR KERN: Right.

6 MR. NARALA: The Water Board, some of the
7 staff volunteered for the cleanup.

8 FACILITATOR KERN: Okay.

9 MR. NARALA: So we got an e-mail yesterday.
10 It was a holiday for us, but some of the staff went out.

11 FACILITATOR KERN: Jan.

12 MS. BLUM: Because of the large outcry about
13 all the volunteers who wanted to help, there were a
14 thousand civilians that showed up at the quickly called
15 public meetings.

16 They pressured City of San Francisco to get
17 involved more rapidly than normal, and I would say if
18 anybody's really interested in top of it, www.baykeeper.org
19 is a very good organization that is sending out bulletins
20 about what's happening, and if you want to volunteer,
21 they're providing a lot of volunteer information about what
22 you might be able to do, what kind of training you might be
23 able to take in order to help now or in a future date, and
24 the other one is SFgov.org/311 and that's the City Website,
25 and they're also having -- really these training programs

1 are so quick. I always get the information after I've gone
2 someplace.

3 So they're having it at the last possible
4 moment, but those are two sites for people like you and I
5 who have -- with the exception of Bob and Devender don't
6 have any specific training to help in these kinds of toxic
7 situations.

8 So that's what I would say, and I did hear
9 that -- tomorrow that Schwarzenegger is going to put out an
10 executive order that crab season is definitely cancelled in
11 the State of California.

12 So that's what I know.

13 FACILITATOR KERN: Sam.

14 MR. BERMAN: Some firsthand information on
15 the beaches up north. There's a very large contingent of
16 workers in -- with hard hats and complete biohazard outfits
17 patrolling Muir Beach and Stinson Beach, and those beaches
18 are closed, and there was a boom put out across the Bolinas
19 Lagoon in order to prevent oil from getting in there and it
20 failed immediately and it was still not repaired at high
21 tide today.

22 So whatever stuff is up there is -- is going
23 into the Bolinas Bay, which is really very unfortunate, and
24 Bolinas itself has no -- they were left out of the Army of
25 hazardous cleanup people, so all those hundred people

1 walking on Stinson Beach across the lagoon in Bolinas, it's
2 always the citizens there walking around and they have
3 considerably more tar and oil in Bolinas than Stinson.

4 Bolinas somehow was left out, and I was
5 talking to one person. The oil is as far up as Point
6 Reyes, so it's moving.

7 I can tell you personally I was involved in
8 the volunteers that held back the oil from Bolinas Bay in
9 '73 or '74 when the Torrey Pines collision occurred and
10 800,000 gallons, not 58,000 gallons went out, and it
11 was -- the effort to do that was so much greater and more
12 professional in terms of volunteers and equipment out at
13 Bolinas Bay.

14 Now it's just a very mediocre equipment and
15 it broke at the first high tide. So it seems to me
16 somebody hasn't really figured out how to do that.

17 And the final and most amusing thing that I
18 found out was I called someone today and -- and asked them
19 if they were planning to torch the rocks in Alameda and
20 Berkeley Marina because the stuff is on the rocks which
21 can't be easily cleaned and he told me as far as he knew
22 that the torching was not going to be permitted because it
23 violated California environmental laws.

24 So it's a very -- I mean, it was fuel oil and
25 it was going to be burned, anyway, so it would seem to me

1 that torching would be the ideal -- the animal life on the
2 rocks is all wiped out, anyway, from the oil, so you could
3 make pristine rocks with torching, but apparently that's
4 not going to be done.

5 And I have to say I wish that Brian was here
6 because from the outside, it looks like if there's any real
7 disaster in this country, the best thing to do is to get
8 out.

9 I mean, this is so trivial in terms of
10 anything real, and having a boom that breaks at the first
11 high tide leaving out a community without anybody there to
12 help the citizens invoking what seems to be a ridiculous
13 rule that you can't torch the oil that's going to be
14 burned, anyway, it all sounds to me like -- like it has to
15 be the Department of Homeland Security working at best.

16 MR. BACH: I have a question because it was
17 completed before I came on board here, but how much
18 oversight does the RAB group or the restoration --
19 remediation group have over the new habitat at Crissy
20 Field? Nothing? Okay.

21 FACILITATOR KERN: It's not really within
22 our sort of things that we do.

23 MR. BACH: Just because the area's so
24 sensitive and that habitat, you know -- now restored, that
25 certainly something like this is -- and just some of the

1 other areas, it's just sad.

2 FACILITATOR KERN: Yeah. We all agree.

3 MS. BLUM: I'd just like to make a remark
4 about that. They do have a wildlife biologist who is in
5 charge of monitoring Crissy Field.

6 MR. BACH: Mm-hmm.

7 MS. BLUM: There's water quality and other
8 quality of life issues down there and she has a contract
9 through the end of the year. It's under the jurisdiction
10 of the Park Service and they're very sensitive to taking
11 care of it.

12 MR. BACH: That's good to hear.

13 MS. BLUM: The Park Service runs the
14 coastline and the Presidio is all interior, so it's two
15 different management groups.

16 MR. BACH: Thank you.

17 FACILITATOR KERN: Anything else on the oil
18 spill?

19 The one other thing I've noted is the first
20 day there was something like I heard twenty birds and ten
21 of them had washed up already dead, and the last thing I
22 heard was over 900 birds, and so it's a -- had a pretty big
23 impact.

24 All right. On that note, let's move along to
25 our quarterly project status report, our final report from

1 Craig.

2 MR. COOPER: From me.

3 FACILITATOR KERN: Better be a good report.

4 MR. BACH: Yeah. Better be a good one.

5 MR. COOPER: Right. The same old thing
6 here. I'm going to run through our projects. First we'll
7 go through an update on the technical status and
8 remediation status of our projects and then I'll go through
9 the financial status on the projects.

10 So I'm just going to try to highlight, you
11 know, major things and move this along. With RAP number 1,
12 I guess of particular note is that on fill site 5, we want
13 to do our final -- we already did a construction completion
14 report.

15 Now we're going to do a request for
16 certification report because all the groundwater monitoring
17 at that particular site looks fine and all the wells are
18 clean.

19 So we want to get final certification from
20 DTSC on fill site 5 so we can decommission, and that means
21 basically remove some of the groundwater monitoring wells
22 at that particular fill site.

23 Landfill 4, we have a couple sporadic
24 detections at some wells and of course with our RAP, we
25 have to monitor them a little bit longer to see if

1 indeed -- take a look at trend concentrations.

2 So landfill 4, final certification is pushed
3 back to at least 2008.

4 Okay. In RAP number 2, we have fill site 6A.
5 We're still monitoring groundwater there. So far the
6 groundwater looks great, no problem.

7 The natural resources department at the Trust
8 is taking care of the revegetation and monitoring the
9 stream flow through that site, and we are preparing the
10 site specific land use control addendum for the perimeter
11 of the site and around the Redwood tree zone. We
12 talked about before. It should have been in the
13 construction completion report. It wasn't, and so we're
14 going to submit that as an addendum submittal to DTSC to
15 our construction completion report.

16 But that site's looking good, and so I would
17 say probably within another year, if the groundwater
18 monitoring continues to be okay, we'll be asking for final
19 certification from DTSC on that site, as well.

20 Baker Beach 3, also known as Coyote Gulch
21 site. We've been monitoring groundwater and surface water
22 there. It's been reduced to semi-annual for the RAP, and
23 again, all the monitoring data looks good and we're going
24 to start preparing our request for final certification from
25 DTSC and hopefully take out the remaining groundwater

1 monitoring wells in 2008.

2 So all those sites are kind of moving along
3 pretty good.

4 Now we're moving into our RAP3 sites, our
5 much observed Baker Beach 1 and 2A landfill work. I'd say
6 they're 99 percent complete.

7 George did send me an e-mail by -- he sent me
8 some pictures and an e-mail with a little text in it, and I
9 did not read the e-mail carefully, but I'm pretty sure all
10 the excavation is -- that's probably -- I say it's 99
11 percent complete because the mass excavation work's done.

12 Now we're doing, you know -- catching up on
13 our soil confirmation sampling, and so theoretically there
14 could be some spots here and there.

15 In fact, Bob, you probably know more on this.
16 You asked for a little bit of overexcavation last week.

17 MR. BOGGS: Yeah. There's a couple areas
18 that are right on the perimeter of 2A on the northeast side
19 where apparently a little bit of debris got pushed over.

20
21 So near the top of the slope, there's
22 definitely significant debris in the fill. If you work
23 your way down the slope, it's mixed with slide material, so
24 there's almost nothing.

25 So we wanted to get Lew Stringer -- he's the

1 Park Service natural resource person out there -- involved
2 to see where he feels he needs to draw the line for what's
3 native material versus what's dumped soil, and then follow
4 that up with confirmation sampling, but it does look
5 like -- I mean, we're talking maybe one truckload or
6 something.

7 MR. COOPER: And that's at 2A?

8 MR. BOGGS: Correct.

9 And then for 1A, the northern portion of -- I
10 mean 1. The northern portion of 1, we've scoped out in
11 detail and that looks clean.

12 MR. COOPER: Good.

13 MR. BOGGS: There's actually a little bit of
14 material that looks like 1A, the roofing asphalt, it's very
15 near 1, near the top of the slope, but aside from that,
16 that whole site portion of the site looks very good.

17 MR. COOPER: Right.

18 MR. BOGGS: They're following up, because on
19 the south side --

20 MR. COOPER: Where the --

21 MR. BOGGS: -- where the landfill is and
22 where they actually completed brush removal, it's not a
23 clear line, so that we're following up, got to wait for --
24 essentially right where the conveyors are.

25 MR. COOPER: First he was talking about this

1 is the north side of the landfill that looks nice and clean
2 and taken care of. This photograph is a couple weeks old.

3 So this is -- a lot of this is now gone, and
4 so you're saying there's still a little bit left.

5 MR. BOGGS: We still need to clean that
6 perimeter and make sure that we've gotten all the landfill
7 material there. That's the final part that they're closing
8 out.

9 MR. COOPER: Yeah.

10 FACILITATOR KERN: Bob, you mentioned on 2A,
11 the northeastern section. To me, that's right where the --
12 that tree was.

13 MR. BOGGS: It's literally right beneath the
14 tree on the little buttress there. There's a little rock
15 buttress right below the tree and it's literally material
16 that would have gone off right from the edge on there.

17 FACILITATOR KERN: Is the tree in danger?

18 MR. BOGGS: They're planning on excavating
19 around the tree and doing some -- because there's
20 definitely fill and debris material up there. They are
21 going to do it delicately to not damage the tree as a
22 resource.

23 If they have to do the end work around the
24 tree, they will.

25 MS. BLUM: This -- the dirt strip, is that

1 serpentine? Are you going to serpentine or are you going
2 down to dirt?

3 MR. BOGGS: Going down to native and it's
4 actually different native in different places. What looked
5 -- appears to be white there is really the serpentine.

6 MR. COOPER: It looks white in this photo.
7 I don't know why.

8 MS. BLUM: There's some dirt there in the
9 middle.

10 MR. COOPER: In this zone here, you can see
11 serpentine popping out. I'm assuming some of it is going
12 to be -- there's also soil. This is native soil here, so
13 you can see. It's not going to look like this over on this
14 side.

15 MS. BLUM: Okay.

16 MR. COOPER: It's going to look like some
17 soil, some serpentine popping out, yeah.

18 MR. BOGGS: We were out on Friday with the
19 engineers looking at the slope stability, that kind of
20 stuff. I actually repelled over the edge at 2 and we
21 basically decided on doing hand scaling of the cliff for
22 rock fall.

23 Right now, the way it was when I went over
24 the edge, I wouldn't allow any personnel, park safety, you
25 know, volunteers or anything like that to be in that area.

1 It was like a bowling alley.

2 There was a nice sized rock that I dislodged
3 with my foot that if somebody were working at the bottom,
4 it could have killed them. It made it down to the beach
5 from near the top.

6 So we're doing some work to scale it to try
7 to make it safer, at least from rock fall standpoint. They
8 decided trying to use the heavy equipment is just going to
9 make it worse, because it's kind of an eroding cliffside,
10 anyways.

11 1, it's not nearly as bad, because it's kind
12 of terraced. There's little flat spots and bumps. We
13 dislodged rocks from there.

14 None really made it to the beach, but it
15 still needed to be made a little safer.

16 Everybody agreed that 2A needed some work,
17 and so the contractor has gone out there and done that, a
18 bunch of hand scaling. It's much better.

19 MR. BACH: Bob, I would think with a season
20 of rain and just natural erosion is certainly going to
21 reinforce and set up, you know --

22 MR. BOGGS: That's definitely going to help
23 in what we're looking for. The difficulty is -- once they
24 leave the site is keeping people off that during the rainy
25 season or below it on the beach during the rainy season.

1 It's a real difficulty preventing public access.

2 MR. BACH: Even in the spring because the
3 water gets super saturated, it's going to dislodge and --
4 yeah.

5 MR. BOGGS: So kind of what the engineer
6 said is you can't make it perfect. It's a deteriorating
7 hillside naturally, but we're trying to minimize the
8 immediate hazards to the extent we can.

9 FACILITATOR KERN: Sam.

10 MR. BERMAN: You said something that really
11 caught my interest. You said that in order to save the
12 tree, there was actually going to be some possibly hand
13 excavation, and was that thought of over there by the
14 incinerator where you have all those really beautiful old
15 trees that basically have been scheduled to be removed?

16 I mean, it couldn't -- I mean --

17 MR. BOGGS: The -- the incinerator is
18 actually -- this picture here is probably taken from the
19 tree -- right near the trees that we're talking about. The
20 incinerator is actually over behind that top excavator up
21 there.

22 MR. BERMAN: I'm not talking about that
23 incinerator.

24 MS. BLUM: The one at the cavalry stables.

25 MR. COOPER: Building 669.

1 MR. BERMAN: There's some beautiful --

2 MS. BLUM: They're already gone.

3 MR. BERMAN: They're already gone?

4 MS. BLUM: But you really don't notice them
5 that much.

6 MR. BERMAN: Especially if you're blind.

7 MR. COOPER: I think they're gone. I know
8 the ones at Nike are gone for sure.

9 MR. BERMAN: Nike ones, yeah.

10 MR. BOGGS: If the Trust wants to remove
11 trees, kind of regardless of the project, it's really not
12 in the regulatory purview of my agency. We really oversee
13 the toxic cleanup.

14 MR. BERMAN: Right. I understand that, but
15 it would seem to me that -- I mean, the reason that the
16 tree removal was specified over there at 669 was that it
17 was too much trouble to do the excavation.

18 MR. COOPER: Right, and that's generally our
19 -- we tried to learn our lesson on 6A project. We thought
20 that was going to be simple to dig around the tree roots
21 and that ended up being a very complicated process for us.

22 So I thought -- you know, I like to save
23 trees when I can, also, but after the 6A experience and the
24 extra cost that we went through to save those trees, I
25 would -- I would recommend to the new program manager -- I

1 mean, do it only if there's a really big consensus and if
2 we really think that it's good for the park to save the
3 trees.

4 Otherwise, it's a pretty big cost to try to
5 save them and then you have to have a land use control of
6 the tree root zone.

7 There's some -- yeah.

8 MS. BLUM: Craig, how will they stabilize
9 the slope during the rainy season?

10 MR. COOPER: Bob says -- people are planning
11 on knocking down --

12 MR. BOGGS: They're actually coming down off
13 the edge with ropes and with kind of like a bar, a metal
14 like crowbar. They're shaking stuff off.

15 MS. BLUM: Won't the dirt all wash down
16 during heavy rainstorms, as well?

17 MR. BOGGS: That's part of it, as well.
18 It's getting the rocks to fall now when we have control of
19 the beach when there's no public down there.

20 MR. COOPER: The soil washing down. That's
21 okay as long as we don't have a big sediment stream heading
22 into the ocean. That won't happen. It's the rocks I think
23 what people are concerned about right now.

24 MS. BLUM: Okay.

25 MR. BOGGS: At least I am. There's rocks

1 that could kill somebody and it's not called for. It's not
2 needed.

3 And there's talk of -- they can use some like
4 erosion fabric, jute netting, coconut fiber netting that
5 will help on part of it.

6 That will not help on the big boulders that
7 can really hurt somebody. There's -- the biggest thing is,
8 yeah, trying to make it through this year, and then any
9 sort of --

10 MR. COOPER: So I just wanted to -- this is
11 2A. You can see this. This is the -- this type of fencing
12 with the jute fibers here. That will help with sediment
13 control, but a big rock coming down would just probably
14 plow right through that, jump over it, bounce over it.

15 MR. BOGGS: A lot of those boulders that you
16 see down there on the bottom right now by those guys, all
17 these things that are this big, those are all things that
18 got knocked off the side of the slope and just ran down the
19 hill.

20 MR. COOPER: Maybe this rock here.

21 MR. BOGGS: Higher up. A lot of the smaller
22 ones, even that are all in the white zone, even, in the
23 serpentine area.

24 MR. COOPER: Mm-hmm. Okay. All right.
25 Let's take a look at some of these photos slowly here.

1 That's the one we've looked at. That's Baker Beach 1, and
2 this photo is a couple weeks old, so this whole soil strip
3 there is pretty much gone.

4 I have to admit I haven't been there in the
5 last couple days, but it's pretty much -- that's pretty
6 much gone.

7 This shows the conveyor system that goes from
8 the 2A site and it heads over to the Baker Beach 1 site and
9 then the soil went up.

10 So the soil went -- instead of straight up
11 from 2A, it went over and then up, and that was kind of an
12 in-field design change that we worked through with DTSC and
13 the Park Service to make that happen.

14 I think everybody's probably seen that in the
15 site tours. There is -- that looks like back at --

16 MR. BOGGS: 2A.

17 MR. COOPER: -- at 2A.

18 You see some stained soil, some bad soil
19 that's getting dug up. All that's gone now. 2A looks --
20 at 2A, when you look at it, it's a very bright gleaming
21 bowl of green right now.

22 Unfortunately, on the computer, the
23 serpentine looks very greenish. If you go look at it, all
24 this rock here that goes up the hillside, so it's like this
25 big bowl of serpentine rock that's been exposed, and it's

1 all kind of a light green, you know, color right now.

2 I've been told over time, it will change in
3 color and become whiter over time. There you go.

4 Let's see what else we want to talk about
5 about that. Just -- you know, as far as, you know, we're
6 still doing some confirmation sampling and Bob's been
7 coming out there quite a bit, giving input on confirmation
8 sampling, but so far so good.

9 I think that as far as the results --

10 MR. BOGGS: Ah --

11 MR. COOPER: -- occasionally there's some
12 hits that we have to overexcavate.

13 MR. BOGGS: Right. So far like at 2A, the
14 results are just cleaner than clean. It's just pretty
15 evident that --

16 MR. COOPER: Yeah.

17 MR. BOGGS: -- we are in native and there's
18 not a bit of contaminants that leached.

19 MR. COOPER: Right.

20 MR. BOGGS: There's some issues with
21 arsenic. It appears that it might be related to shale or
22 some material that's in there that that we didn't really
23 develop a background for because there's not a lot of shale
24 at the Presidio, so -- but it's nothing that's alarming.

25 MR. COOPER: Right. Okay. I think our

1 outreach workers have been a big help to the whole project,
2 information coordinators working with people through that.

3 We provided a lot of tours. A lot of people
4 have come to see the site; not only RAB tours, but managers
5 at various agencies and so on, and I know that George did
6 send an e-mail to our public affairs people to try to get a
7 story going on that, and they e-mailed back and said,
8 "Yeah, let's do something," and I have not followed up on
9 that, but I'm -- hopefully George is writing some type of
10 press -- something that we would send out to the press to
11 try to get an article. The project's at near completion or
12 something like that.

13 So I have to make a note to myself on that.

14 MR. BOGGS: You did find another cannonball
15 last week and the bomb squad came out.

16 MR. COOPER: We found a total of four of
17 what I call vintage UXOs, four cannonballs and two shells
18 that -- the fourth one being a cannonball that was just
19 found like a week or two ago at the -- at Baker Beach 1.

20 All four have been found at the Baker Beach 1
21 site. No UXO was discovered at 2A, and all four items have
22 now been destroyed. They were all in fragments.

23 MR. BACH: Are cannonballs dangerous?

24 MR. COOPER: Initially we thought they were
25 just solid iron, but they're definitely cannonballs that

1 are filled with gun powder with an explosive that have a
2 fuse, and so they -- I guess they are shot out and -- hit
3 the ship and then it goes like boom.

4 MS. NEWTON: More like bombs.

5 MR. BACH: No preserving those things.

6 MR. COOPER: Right. The two cannonballs --
7 of the four UXOs that we found, three of them were
8 destroyed on-site by the San Francisco bomb quad and the
9 fourth one was destroyed off-site by the Army team.

10 So any questions on that? So yeah, no things
11 for the archaeological lab there.

12 So that's about it, and hopefully we'll
13 be -- George has been saying all along that he wants the
14 excavation contractor demobilized by Thanksgiving.

15 You know, that may happen or it might be, you
16 know, in early December.

17 Fortunately, you know, we had those early
18 rains in October and they did not return, so that's been
19 nice, even though Saturday's rain was not -- pretty steady
20 and slow and nothing too alarming like that one day in
21 October was pretty heavy.

22 MR. BERMAN: Since some UXO was found, does
23 this mean that the cost of keeping those specialists, those
24 people that are specialists in dealing with that and the
25 demolition and all that, is that -- is that an expense

1 which is going to be shoved back to the Army?

2 MR. COOPER: Yes. I've already filed a
3 claim with the Army and let them know that those costs, you
4 know, will be claimed back to the Army, and they wrote back
5 a letter that did not say no.

6 It didn't say necessarily "yes, don't send
7 us -- we're waiting for your final bill," but generally
8 that's the type of letter we get is no. For some reason,
9 they'll find something, but they did not send back a no.

10 I'm expecting that they'll pay most if not
11 all of our invoice on that issue, and those guys are not
12 cheap, either.

13 It will probably be upwards -- when
14 everything's said and done for the UXO people, any costs
15 related to, you know, oversight of the ordinance, the
16 whole, you know, procuring them, all this kind of business,
17 it could be upwards to a hundred thousand dollars just on
18 UXO issues only. Yeah.

19 Okay. Moving along.

20 MR. BERMAN: So if the Army was to refuse to
21 pay that for some reason, would that go over as an
22 insurance item?

23 MR. COOPER: No. We would go to dispute,
24 yeah. The insurance policy has a specific exclusion for
25 UXO related costs.

1 We can't ever file a claim for UXO under our
2 insurance policies. So we would dispute that with the
3 Army.

4 Okay. Other RAP3 sites, we -- the rest --
5 we've got twelve more sites in RAP3 that require excavation
6 work, and we've been working on the design documents for
7 that with the Park Service.

8 We got concurrence today from the Park
9 Service, so that document's going to be going out to DTSC,
10 who's the lead regulator on these sites. It will go out
11 next week and everybody else can take a look at that.

12 The final design. The last bullet talks
13 about that September, Ryan Seelbach came to a RAB committee
14 meeting and kind of briefed you on the overall strategy of
15 what these design documents look like, what they consist
16 of, what's our strategy and sequence in these sites, but we
17 hope to get started by the end of January, and it will
18 probably take all of 2008 for us to get done.

19 RAP4, which is one of our priority
20 projects -- as you know, we've got three, you know, from
21 the stakeholder Summit meeting, just to kind of remind
22 everybody about this.

23 We have three major -- we've got a lot of
24 projects going on and three major priority projects in
25 our -- with DTSC lead, at least, and that being RAP number

1 4, the 937 removal action work plan and the lead plan.

2 So RAP4 has two landfills and all the firing
3 range sites in them. DTSC asked for some additional
4 sampling around landfills 8 and 10, and I think we're
5 there.

6 As far as our sample plan, I think it's
7 looking good as far as DTSC is concerned, and we plan on
8 implementing that plan later this month and early in -- in
9 December, and so some data will be coming out of that.

10 So stay tuned in January/February time frame.
11 We'll be getting some data, and that will be very important
12 data to make sure -- it will be very telling if we can kind
13 of move forward on remedy -- final remedy decisions for
14 landfill 8 and 10 and getting the actual RAP going again
15 and kind of getting into that mode again about getting a
16 RAP finalized.

17 Same thing is true with a couple of the
18 firing ranges. I think that will be a lot easier. They're
19 pretty small sites just to kind of sort out some sampling,
20 some additional sampling issues on those sites.
21 Landfills 8 and 10 kind of driving the show as far as
22 making RAP4 happen any time soon.

23 649, which is the firing range site, we need
24 to do some groundwater testing around that building looking
25 for metals, especially lead that may have leached from the

1 basement of the building.

2 We'll be testing that water in December, the
3 groundwater, and the accelerated schedule for RAP4 will be
4 re-evaluated at the January 24th Summit meeting.

5 We kind of planned it at two different
6 schedules, you know, for RAP4, one with the signature date
7 in 2008, you know, early summer 2008, and then another one
8 with the signature date in like spring of 2009, all kind of
9 being -- if we can kind of -- again, the schedule for RAP4
10 will be dictated for how the data comes out on our landfill
11 investigation work at landfills 8 and 10.

12 FACILITATOR KERN: Craig, on the firing
13 ranges, does that still include the Bernard Avenue
14 range --

15 MR. COOPER: Mm-hmm.

16 FACILITATOR KERN: -- as far as you know?

17 MR. COOPER: We're going to be doing some
18 follow-up testing there, and differentiate that from
19 sloughing that may be coming down from landfill E.

20 FACILITATOR KERN: I don't know that we've
21 had the opportunity to make a specific comment about that,
22 but if people consider combining that with landfill E --

23 MR. COOPER: Yes.

24 FACILITATOR KERN: -- that range, we're
25 still keeping it separate for some reason.

1 MR. COOPER: We're keeping it separate just
2 because there's a site called Bernard Avenue Firing Range
3 and we'll have to come up with some kind of remedy decision
4 on that.

5 Our latest decision on that -- I don't know
6 if Bob remembers -- Bernard Avenue range might end up as a
7 no further action and landfill E site may have a difference
8 in scope.

9 We'll have to see how the testing goes.

10 FACILITATOR KERN: It seems to make some
11 sense to combine the two to get that to the end of actually
12 doing something.

13 MR. COOPER: Kind of looking at them as a
14 system because they're basically superimposed on each other
15 for the most part.

16 MR. BOGGS: They tend to because they're
17 actually two separate sites. In order to kind of close the
18 loop, we actually have to come to sort of a decision
19 document, and typically when we have overlapping sites, you
20 come up with some remedy that addresses both sites.

21 FACILITATOR KERN: Right.

22 MR. BOGGS: But somewhere there has to be a
23 document that says no further action at one of them and
24 action at the other or that the combined action is the
25 remedy for both sites.

1 MR. COOPER: So it's great that both those
2 sites -- oh, no. Landfill E is in a different RAP. When
3 we do the remedy decision for Bernard Avenue range, we'll
4 make it clear if it's going no further action.

5 There'll be discussion if there's no
6 exceedences associated with the range that they be in
7 landfill E.

8 So speaking of which, RAP number 5. We have
9 stopped -- you know, we're not working on a RAP at all
10 right now because we're in the remedial investigation work
11 at some RAP5 sites that would be followed by a feasibility
12 study, that being a Lobos Creek and fill site 6B.

13 We need to get fill site 6B, the second
14 phase. We did the first phase and the Trust waited quite a
15 bit of time on getting some information to DTSC, and I
16 think we've gotten that to them now.

17 I think we just need to sit down and get that
18 final phase, edge delineation testing for that particular
19 site done.

20 For the other sites, you know, we really want
21 to get all the RAP5 sites out of the remedial investigation
22 stage. Remedial Investigation that, it's the soil testing
23 and groundwater testing stage.

24 So I've asked DTSC to take a look at the
25 existing data for some of the other RAP5 sites, such as

1 fill site 1 and landfill 2, Baker Beach 2 and 1A -- which
2 we have been doing a lot of testing at recently, by the
3 way, the Baker Beach site -- and just to see is there any
4 more remediation investigation necessary at any of the RAP5
5 sites, because once we get out of that mode, we finish up
6 the feasibility studies and get that RAP going again.

7 And then, you know, Lobos Creek is a very
8 important site in RAP number 5, and we had a meeting with
9 stakeholders on that, and I thought we briefed the RAB, as
10 well -- maybe that was a couple months ago -- about the
11 scope of our work at Lobos Creek, and it's getting -- we
12 got a lot of input from various stakeholders on how to
13 conduct that testing of Lobos Creek sediments in the banks
14 there, and that testing work plan is being prepared, and
15 that last bullet basically -- I just want to remind my own
16 self, remember that table I did that kind of grouped sites
17 by RAP.

18 It's out of date now and I need to update
19 that because we took some sites out of RAP3 to RAP5, I
20 guess.

21 I just need to look at that before I leave,
22 especially, and e-mail that out to everybody and say this
23 is my thinking on grouping sites in future RAPs.

24 RAP6, miscellaneous sites.

25 FACILITATOR KERN: Question.

1 MR. COOPER: Mm-hmm.

2 MS. NEWTON: Is Genevieve still working on a
3 plan to do the testing? They're still preparing --

4 MR. COOPER: At Lobos Creek, yes. At the
5 stakeholder meeting? Right. All we handed out at that
6 time was just kind of the strategy document, the data
7 quality objectives.

8 So we're taking those, that strategy document
9 and now turning it into a full phased work plan that
10 incorporates -- because we got a lot of extra comment.

11 If we didn't get any comment, the plan would
12 have been done by now, but we got a lot of input about, you
13 know, increased sampling on both the banks and how to deal
14 with issues coming from the City side of the property and
15 things like that.

16 MS. NEWTON: Did the City ever offer any
17 comments or assistance or any --

18 MR. COOPER: No. There has been -- I don't
19 think so. It's not like they called after the meeting and
20 said, "Hey, maybe we can help out when you talk to the
21 property owners on the City side."

22 MS. NEWTON: No.

23 MR. COOPER: Nothing.

24 All right. Miscellaneous sites. There's
25 really nothing new to report there.

1 Unknown contamination, building 937. We did
2 do a briefing for the RAB at the August committee meeting
3 on our strategy, our recommended strategy on how to clean
4 up building 937, which is a very aggressive strategy to
5 remove the -- the slab of the building and make sure all of
6 the PX contamination and the solvent contamination in the
7 soil underneath that is gone.

8 So that's going to be our recommended remedy.
9 That recommended remedy will be officially proposed to the
10 public in a document called the Removal Action Plan, which
11 is basically like a RAP, and we need to get DTSC's input on
12 how to scope out the CEQA documentation.

13 There is a way to have a very fast-tracked
14 compliance document on a RAW if it's okay with DTSC. I
15 don't know if you guys have an opinion on whether we should
16 do -- it's probably not the right forum to talk about it at
17 this particular meeting, but -- I don't know.

18 We could do a more detailed, the traditional
19 initial study type of CEQA document or we basically could
20 ask for an exemption to the CEQA and just basically have
21 the removal action work plan and the design documents
22 around the removal action work plan that -- that we would
23 work with the RAB and, you know, explain that as far as
24 public input and get input that way.

25 FACILITATOR KERN: One comment is given the

1 public nature of the use of that building, it seems like
2 having people know what's going to be done there so that
3 they can feel -- we've had rumors come down the road, oh,
4 this building is contaminated and they didn't fix it.

5 If we have a public process of some kind,
6 people can always point back to that there were these
7 meetings, these documents. Go look in the library. It's
8 just a reaction, first reaction to it.

9 MR. COOPER: Okay.

10 MR. BACH: I thought we had a pretty
11 extensive meeting about that. We kind of talked about
12 putting that on the fast track. That wasn't my question,
13 but I just recall discussing that and having a chart on
14 that and making the determination that, you know, the
15 assessment of what the building needs and the contaminants
16 are pretty much under control and we were talking about,
17 you know, the only thing -- the mystery was the sewer,
18 which was the big, I think, you know, who knows what's
19 under there. I just remember having that conversation.

20 At any rate, my question was -- you might
21 want to revisit that meeting -- was there a determined date
22 when -- when the RAW was actually going to be either
23 offered to the public or executed?

24 MR. COOPER: It's been prepared internally
25 now and I think Genevieve is looking at it. I think she's

1 going to show it to Brian before we send it out. I forget
2 if Brian wanted to look at that in advance.

3 He has the right under our agreement because
4 it is right up to next to area A. I think he will look at
5 it in advance. I think what we said in the August meeting
6 is it will be distributed in December.

7 If it's not sent out in December, it will be
8 sent out in January. The planning document on that is
9 coming along.

10 As far as the removal action plan part, it's
11 just the CEQA part we'll need, and if DTSC wants us to do
12 an initial study, we'll need to know that right away so we
13 can jump on that.

14 Okay. The other unknown contamination site
15 on this slide, the slag dump site and the battery fronting
16 slopes.

17 The second round of testing at the battery
18 frontal slopes, the Trust is -- we are going to push back
19 on the Army a little more than we have just for a heads-
20 up. I say now pending coordination with the Army.

21 The Trust in general, when we've been finding
22 these sites, you know, it's just a site, no data or
23 anything like that, and we very -- you know, in general
24 have stepped up and spent our own money to test -- at least
25 do initial testing of these sites, and that is -- that is

1 okay under our MOA with the Army, but if we wanted to, we
2 could say, "You know what, Army. Under the MOA, you
3 actually have responsibility for all unknown contamination
4 sites and you can then -- once you take that
5 responsibility, if you want the Trust to do the work for
6 you on your behalf, you can ask us to do that, and so -- or
7 if you want to be the lead yourself, you can be the lead
8 yourself."

9 So we are going back to that strategy a
10 little bit kind of in our financial management mode that we
11 should not spend our money on sites where there isn't an
12 identified budget source.

13 Unknown contamination by nature never had an
14 identified budget source, so we're kind of -- we're going
15 back to that mentality, which could mean slowing some work
16 down potentially at some of these sites, but I think we
17 need to get these agreements with the -- an understanding
18 with the Army on a lot of these sites more clear up-front
19 to the extent that we can.

20 I mean, the Army will often say, "Well, we
21 don't know if there's contamination there or not, so why
22 don't you go take some samples."

23 If they do say that, we will say, "Okay. We
24 will. We're taking those samples on your request on your
25 behalf, and if there is contamination, we're going to bill

1 you" -- the invoice clock is already starting, in other
2 words. Try to get that paperwork agreed to up-front.

3 MR. BACH: Including the testing?

4 MR. COOPER: Including the testing.

5 MR. BACH: So we would be actually putting
6 our funds into the testing and then hopefully billing them
7 later on for both the testing and the contaminant work?

8 MR. COOPER: Right, and try to get more
9 correspondence up-front back and forth.

10 MS. NEWTON: Up-front.

11 MR. BACH: Didn't we do that before?

12 MR. COOPER: With 2A, for example, yes. As
13 soon as we found about it.

14 MR. BACH: Mountain Lake.

15 MR. COOPER: The Army disputed it. They
16 said, "That was a site that we told you about all along."
17 Theoretically the Trust at that point said, "You know what?
18 We're not going to do any work before we sort this out,"
19 but the tricky part is only when you get more data and dive
20 into this, then you've got some information to help sort
21 things out.

22 So that's kind of -- a little bit of a Catch
23 22, but, I mean, I'm just putting that out there as more of
24 a philosophical shuffle on the Trust side that we're not
25 going to be plowing into every single contamination site

1 full steam and taking samples and kind of integrating it
2 into our normal program along with the other sites.

3 We're going to step up a little bit more
4 cautiously, and Andrea Anderson, who's the environmental
5 attorney at the Trust, we put together a flow chart, kind
6 of decision flow chart on exactly who's doing what when
7 unknown contamination is discovered at the Presidio with
8 respect to the Trust and the Army, because -- MOA doesn't
9 get into a lot of details.

10 So we've put together a decision flow chart
11 about exactly when a letter should go and when a letter
12 should come back to try to get that correspondence down
13 up-front and more kind of locked in.

14 Okay. So once we get that flow chart kind of
15 finalized, share that with folks and kind of see. You
16 would be amazed the kind of simple concept can get very
17 complicated.

18 MR. BACH: You've got a lot to do before you
19 go.

20 MR. COOPER: The flow chart's done as far as
21 I'm concerned. It's perfect. Now the Army has to agree
22 with it.

23 2A, like we said, we've settled with the Army
24 and -- for 2.375 million. They have not paid us. They
25 have until September 30th, 2008 to pay us. Yes.

1 MS. BLUM: I think it's wonderful that
2 you're pushing on the Army, and it also occurs to me that
3 some of these RAPs may suffer if we run into unknown
4 contaminants, and so my question is: What does this do to
5 the finite schedule of cleaning up the Presidio by 2013?
6 Has there been a rethinking on the part of the Trust
7 management about doing the right thing and how long it will
8 take and -- because if you factor in -- my whole experience
9 with the Army is five years to take down that fence around
10 the redwood grove.

11 MR. COOPER: And it's almost down.

12 MS. BLUM: And if that's the kind of
13 experience we have with the speed at which they work,
14 cleaning up the Presidio will take considerably more time
15 than -- I think than 2013 will allow us.

16 MR. COOPER: I hear you.

17 MS. BLUM: Is management thinking how they
18 are pushing for completion on the 2013 deadline within the
19 parameters of the hundred million?

20 MR. COOPER: I don't think it's -- the
21 answer to that is no. It's more of we are trying to save
22 money for the site that we've known about from the
23 beginning and make sure that that -- that's what that
24 initial money was for was for the, you know, original known
25 universe of sites.

1 And so we have every right to ask for, you
2 know, the Army or -- to pay for sites outside that
3 universe, and if it takes a little bit more time to work
4 that through with the Army to make sure that we get that
5 financial security for those cleanups in place, then I
6 think so be it.

7 I mean, because if we don't, we're just
8 taking money away from the budgets of the known universe
9 sites.

10 I totally get your concern.

11 MS. BLUM: It's not a circular situation.

12 MR. COOPER: It can be. We'll have to take
13 each unknown site on its own, and that's where you as the
14 public can play a role, as well.

15 If it looks like the Trust and the Army are
16 playing too much going like this, you guys can say, "Okay.
17 You know what? Figure it out," and you can start putting
18 pressure on DTSC, for example, to say, "Hey, you know,
19 somebody has got to decide who the lead is on these unknown
20 contamination sites because they got to get these
21 investigations started."

22 So I guess that would be a way that you guys
23 can help moderate and if you feel like there's been too
24 much foot dragging going on on getting some of these
25 unknown contamination sites into the site line.

1 So the tank site's not that interesting. We
2 settled on three with the 2A settlement. There's some more
3 in our dispute.

4 MR. BERMAN: How much did you ask the Army
5 for for 2A?

6 MR. COOPER: I would have to -- I have to
7 check the letter. It was 3.5, I think, something to that
8 effect, 3.8, yeah.

9 MR. BERMAN: So was there an accounting made
10 so that the settlement -- I mean, do they argue with your
11 numbers or say that the proportion was not -- not unknown.

12 I mean --

13 MR. COOPER: No.

14 MR. BERMAN: They just said, "You asked for
15 3.8. We'll give you 2.375. Take it or leave it"?

16 MR. COOPER: It was a negotiated number
17 based on the strength of each party's arguments. They had
18 weaknesses in their arguments. We had some weaknesses in
19 ours, and it's all based on technicalities on how the MOA
20 operates on what is known at the time in 1999, and they
21 were able to pull some documents out that said, "Hey, we
22 told you there was a problem in general in this area," and
23 we were like -- I told you that's where you are. No.
24 That's mismapped and your mapping people screwed up and you
25 were talking about some other place.

1 So it was basically a negotiated amount based
2 on the strengths of each argument. We were ready to take
3 -- we were ready to go to the last tier, which is
4 Department of Justice, and there was some brinkmanship
5 there at the very end because they were offering some
6 numbers, you know, still much less than 2.375 and they
7 finally started to bump up a little bit and we decided to
8 accept it, you know.

9 I guess only history will say whether that
10 was a good enough number or not, but otherwise --

11 FACILITATOR KERN: Would -- is there a
12 written agreement that specifies --

13 MR. COOPER: Mm-hmm.

14 FACILITATOR KERN: -- a bunch of things
15 that --

16 MR. COOPER: Pretty sure. I'll check and
17 see if we can just send that out. It's just like a
18 two-page, two, three-page thing.

19 FACILITATOR KERN: Effectively if the Army
20 has a whole year to provide the money, that's obviously to
21 us not really 2.375 million in today's money. It's the
22 interest and the opportunity costs and all that sort of
23 thing.

24 MR. COOPER: Yeah.

25 FACILITATOR KERN: Is that part of the

1 negotiation? Did they say, "Well, we'll give it to you,
2 but you have to wait a year"?

3 MR. COOPER: Well, no. They actually -- we
4 were scrambling, you know, at the end of 2007 to get this
5 signed and it's a three-party agreement, both the Trust,
6 the Park Service and the Army had to sign, and the Army
7 basically said, "We got to get all these signatures in
8 place by a certain date to be able to tap fiscal year '07
9 money."

10 They said they had some '07 money, last
11 minute '07 money they could allocate to that.
12 Unfortunately not all the signatures got in place in time.

13 So, yeah. I'm not going to say why. Not
14 necessary. I will check to see if we can send out the
15 agreement document. I don't see why not.

16 MR. BERMAN: That's absolutely mind
17 boggling, your last two or three sentences, because
18 everybody knows that end of fiscal year money, you know,
19 always spend. You get it or you never see it again.

20 FACILITATOR KERN: I guess if the Army was
21 okay with it and you guys were on-site to do it, somebody
22 in the Department of Interior is not getting signed up.

23 MR. COOPER: It was getting that document to
24 the right person to sign, and we're talking two weeks,
25 which is not even that outrageous for a short period of

1 time for somebody to sign these things, but it was enough
2 to miss the window of opportunity for our '07.

3 We weren't all that thrilled about that
4 topic. Moving on.

5 FACILITATOR KERN: I can imagine. As I sit
6 here, I'm not that thrilled about it.

7 MR. COOPER: Yeah.

8 FACILITATOR KERN: That's a substantial
9 amount of interest and money and --

10 MR. COOPER: And I think the Army was
11 serious. You never know for sure. I think they actually
12 had some last minute fiscal year money sitting there,
13 so --

14 MS. BLUM: These kind of tactics are kind of
15 business procedures in order to avoid taking a hit. In my
16 limited experience in the business world, usually the
17 companies that go in battle for money strike about a fifty
18 percent level and then knock each other down all the way to
19 the end of it, but it's not atypical to play games like
20 that --

21 MR. COOPER: Mm-hmm.

22 MS. BLUM: -- with settlements,
23 unfortunately.

24 MR. BERMAN: I think the Army was serious.
25 They had '07 money, you know, they wanted to get that

1 spent.

2 MR. COOPER: Yeah.

3 MS. BLUM: It is.

4 MR. BERMAN: It's not good for them to go
5 back to the interior.

6 MR. COOPER: The time needed to get all
7 three signatures.

8 FACILITATOR KERN: Without belaboring it,
9 for the money that we were going to gain, somebody should
10 have jumped on a plane with the document.

11 MR. BACH: I was going to say let's remember
12 the delivery.

13 MS. BLUM: We'll remember that for the next
14 time.

15 MR. COOPER: The actual offer -- it wasn't
16 like the Army told us well in advance "hey, let's move this
17 along because we think we're going to get" -- we were
18 always in the time thinking that it was going to be '08
19 money.

20 Then just as things were coming together,
21 they said, "You know what? We've got some last minute '07
22 money." It wasn't like we got a large heads up on that.

23 I agree. I think somebody, maybe everyone at
24 the Trust, could have been really making phone calls and
25 pushing things around and running around in their car and

1 moving that around.

2 So anyway --

3 MR. BACH: Craig --

4 MR. COOPER: -- that's over.

5 MR. BACH: I'm not so sure that I heard this
6 correctly. Is this money actually entrusted to the Trust
7 so we not only get the 2.375 and we get the interest?

8 MR. COOPER: No. We get 2.375.

9 MS. NEWTON: No interest.

10 MR. COOPER: So on Mountain Lake, this is
11 just a summary of information you all know. The only thing
12 kind of more recently is your own correspondence with
13 Caltrans and that the Friends of Mountain Lake have been
14 getting more interested and more involved on this
15 particular project and they want their group to bear
16 influence on the process, as well, and they're in the
17 process of putting together a letter.

18 We met with that group a couple times now,
19 including at the Craig Middleton level most recently, and
20 they are interested in both writing a -- you know, a letter
21 kind of along the lines of what you guys wrote and then
22 also maybe looking at other avenues to influence Caltrans.

23 MR. O'HARA: Craig, when are you going to
24 sit down -- when is the Trust going to sit down with
25 Caltrans and get this thing resolved?

1 MR. COOPER: So we are under what's called a
2 tolling agreement right now, which is a legal agreement
3 that says that you promise not to sue each other,
4 basically, and you're trying to get it resolved, and the
5 hard part is is that Caltrans, as you know, said the best
6 way to resolve it is using these grant moneys, so we went
7 through that whole grant money application process, and so
8 getting them back at the table, they don't want to come
9 back to the table.

10 Just to answer your question, we'd be more
11 than happy to have a meeting next week with them to start
12 negotiating the number. They won't come. I'm here to tell
13 you. They won't come.

14 To get them back to the table will either be
15 a lawsuit or political pressure. That's just my -- they
16 will not -- if we said, "Hey, come on, let's sit down and
17 see if we can negotiate a number," I really don't see that
18 working out.

19 MR. O'HARA: What -- what, if any, part does
20 DTSC have in this in terms of putting the pressure on
21 Caltrans to get this resolved?

22 MR. COOPER: I think DTSC already did way
23 back in 2002. All they can do at this point is they sent
24 out a letter of liability, basically to Caltrans just as
25 they did to the Trust and the Army and the Park Service.

1 And so theoretically DTSC's kind of waiting
2 for these parties to get their act together so we can go
3 back to DTSC and say, "Okay. We're ready to move forward
4 on this project."

5 And so I guess DTSC at some point can get
6 frustrated and send out another letter. I know it's very
7 difficult for state agencies to, you know, take legal
8 action against each other, though.

9 MR. O'HARA: Well, you know, this thing has
10 been going on since -- since -- as long as I can remember.

11 MR. BERMAN: Five years.

12 MR. O'HARA: And it's a shoving contest, but
13 nothing substantive has been resolved. It's a Catch 22.

14 I think as an oversight group for the public
15 and the taxpayers, the -- the actions of Caltrans and the
16 Trust is -- is ludicrous.

17 This problem has to be resolved and it's up
18 to those two parties to get it resolved, and if you're
19 under a tolling agreement not to sue each other and yet
20 you're not talking to each other, there's something wrong
21 here, and I would -- I would ask DTSC why they're not
22 pushing buttons at this point.

23 MR. BOGGS: Well, I'm going to
24 paraphrase -- this isn't a legal statement, but just with
25 our attorneys have been involved in this.

1 Our general thought is similar to what you've
2 stated already, is that the real argument here is between
3 the Trust and Caltrans.

4 We actually have a legal button and
5 memorandum of agreement with the Trust for cleaning up
6 Mountain Lake, and so when it comes to the cleanup of
7 Mountain Lake, which is really our purview.

8 Our purview isn't arguments between agencies.
9 It's really that environmental work, and we can apply that
10 pressure to the Trust to clean up the Mountain Lake.

11 Where they go to get their money and how they
12 settle that with Caltrans is again kind of out of our legal
13 purview. We don't -- we're not the judge in those cases.

14 But we -- basically we have made Caltrans
15 what's called the PRP, potentially responsible party. How
16 the money gets divided up for the cleanup is between those
17 responsible parties.

18 The fact that the cleanup gets done
19 adequately and safely for human health and the environment,
20 that's really my purview.

21 If we applied pressure, it would be to the
22 Trust to get the work done.

23 MR. O'HARA: I understand --

24 MS. NEWTON: Whose obligation is it in our
25 eyes?

1 MR. O'HARA: Is it not a situation which if
2 you cleaned it up tomorrow, the day after, it starts
3 getting contaminated again by virtue of the -- the problems
4 created by Caltrans or the continuing problems created by
5 Caltrans.

6 MR. BOGGS: Well, there's -- there's
7 actually a number of legal arguments that play into what
8 they're doing with draining -- with draining Highway 1 to
9 Mountain Lake, basically a surface water swale. They're
10 permitted to do that. That's a best management practice in
11 many places.

12 The main problem -- the biggest problem
13 they're having with Mountain Lake is with lake
14 contamination, primarily with the leaded gasoline that cars
15 used to burn.

16 So we're not getting as much lead into the
17 leak. It's really at this little level between two and a
18 half and three feet deep within the sediments that's got
19 the really high lead.

20 The Army looked above it, and it wasn't too
21 contaminated; below that, it wasn't too contaminated. It's
22 really that short range.

23 So we actually know that a lot of the
24 sediments that are coming in at this point, although they
25 are contaminated, they're not contaminated at nearly the

1 level previously.

2 MR. O'HARA: Are they being contaminated at
3 below threshold levels?

4 MR. BOGGS: Well --

5 MR. COOPER: It's the Trust position that we
6 want the storm drains to be reconstructed. We don't want a
7 direct discharge of storm water into the -- into the lake.

8 We'd be okay with Caltrans building a swale,
9 like Bob said off to the side where you can get some
10 infiltration before the water goes into the lake, or we'd
11 be okay with, you know, it going into the City sewers or
12 something like that.

13 I think that that -- fixing the storm drain
14 issue goes hand in hand with fixing the sediment at the
15 same time. We would not clean up the sediments before
16 fixing the storm drain.

17 MR. O'HARA: Makes sense.

18 MR. COOPER: Yeah. Notice the grant
19 application, we applied for all -- all -- both the sediment
20 and the storm drain issue at the same time. One project,
21 as far as I'm concerned.

22 MR. O'HARA: But it's my understanding that
23 you can't get the grant money because there's the threat of
24 a lawsuit.

25 MR. COOPER: Yeah.

1 MR. O'HARA: That's ludicrous.

2 MR. COOPER: I agree.

3 MR. O'HARA: It's -- it's -- I think it's
4 government at its absolute worst. It's -- it's a bunch of
5 kids standing around pointing the finger and crying, and
6 from a tax standpoint -- taxpayer's standpoint, it's
7 completely and totally unacceptable.

8 It's got to get resolved and you've got to
9 get Caltrans into it and you've got to sit down at the
10 table and get the thing worked out.

11 MR. COOPER: Right.

12 MR. HULTGREN: Question, Craig. I'm not
13 sure -- maybe I wasn't paying attention, but did you say
14 that there's an agreement between Caltrans and the Trust
15 not to sue each other?

16 MR. COOPER: For a time period. It expires
17 in -- I think it's April of -- March or April of next year.

18 MR. HULTGREN: Of 2008?

19 MR. COOPER: Yes.

20 MR. HULTGREN: My question really is is why
21 was that agreement made? What purpose?

22 MR. COOPER: It's a pretty common thing.

23 MR. HULTGREN: I don't care if it's common
24 or not. Why was it done in this case?

25 MR. COOPER: You sign tolling agreements --

1 back in April when we sat down for that first legal
2 settlement, that -- it's to take away -- so when you
3 negotiate, you're not -- you can't stab someone in the back
4 with a lawsuit at the same time.

5 MR. HULTGREN: Okay. It's done so that the
6 parties can discuss and hopefully settle.

7 MR. COOPER: In an --

8 MR. HULTGREN: Now you're telling us that
9 Caltrans is not willing to do that. Is that right?

10 MR. COOPER: Right. So the idea --

11 MR. HULTGREN: So they've breached the
12 agreement as I see it and they could be sued tomorrow.

13 Another thing is this is Caltrans' mode of
14 operation. They always do this. This is how they -- how
15 they function. They drag their feet and they say, "Well,
16 we can't do anything. Well, make us do it. You can't make
17 us do it because we've got protection with the government
18 and so forth" and they drag things out so long that people
19 just quit and go away.

20 The only way you get their attention is to
21 file suit against them.

22 MR. COOPER: Mm-hmm. Well, I will say this:
23 We're not signing another tolling agreement, you know.
24 That's for sure.

25 FACILITATOR KERN: May I just jump in and

1 communicate with everybody here that it's 8:30? I'm
2 looking at -- this is an incredibly worthwhile discussion.
3 It's something that RAB has a lot of energy for.

4 Looking at the rest of Craig's presentation,
5 I'm also considering that we may not be speaking to exactly
6 the right person right now.

7 I mean, Craig definitely knows how we feel
8 about this.

9 MR. COOPER: Right.

10 FACILITATOR KERN: He's got a week left. So
11 we need to hold on to this energy and to be able to
12 transfer it to the next victim.

13 MR. HULTGREN: Just one quick comment, and
14 holding on to the energy. It seems to me that RAB might be
15 well advised to send a letter to the Trust legal department
16 and tell them they better get on the ball.

17 FACILITATOR KERN: Well --

18 MR. HULTGREN: Not today, but after we've
19 had a chance to talk about it.

20 FACILITATOR KERN: I think if we look back
21 at the history of this as we have done things, a
22 resolution, various other things, it keeps spurring this
23 project along, so I would agree with you. We need to get
24 something like that going.

25 MS. MONAGHAN: I've got another suggestion,

1 which would be to ask DTSC to start pressuring the Trust
2 because it's been standing, sitting around here.

3 So it's their regulatory agency. They've
4 identified the Trust as the party that they're going to
5 pursue, and so it's time for them to start pressuring the
6 Trust.

7 FACILITATOR KERN: A few letters.
8 David.

9 MR. BACH: Holidays right around the corner.
10 Maybe what we can do is put this on the agenda for the
11 beginning of the year and put together a plan of action
12 which includes continuing to talk to the Mountain Lake
13 resident groups and, you know, really let -- put some steps
14 together and let's execute some of those steps.
15 Otherwise we're going to continue flopping around here.
16 Let's put the stakeholders on the table. Let's put
17 together plan of action and steps with dates and benchmarks
18 and, you know, let's get this done; otherwise, it's going
19 to continue to --

20 FACILITATOR KERN: John.

21 MR. BUDROE: I would also think that it
22 would -- this would move forward a lot faster on Caltrans'
23 part if some organizations like the RAB and Friends of
24 Mountain Lake were to put some heat on the elected
25 representatives.

1 MR. BACH: Politicians if we have to,
2 whatever.

3 MR. BUDROE: Caltrans doesn't want to take a
4 hit to their budget. They're going to have somebody
5 breathing down their neck that's got the ability to twist
6 their ability; i.e. State Assembly, State Senate.

7 MR. BACH: Right.

8 FACILITATOR KERN: I guess what I would say,
9 instead of waiting for the new year, we usually take
10 sometime to assemble all these things, get all the letters
11 together, so I would put it on our next agenda for our
12 committee meeting to begin to assemble our strategy for
13 Mountain Lake and set up some dates, who are we going to
14 write to, what letters are we going to put out there, and
15 so far we've got the Trust and DTSC and some
16 representatives. We'll get that strategy together and get
17 it going.

18 Jan.

19 MS. BLUM: I'm not sure where this
20 suggestion belongs, and it may be a committee meeting, but
21 I would also like to have the environmental lawyers start
22 attending the RAB meetings, and I want to get that on an
23 agenda so we can take some action on that.

24 MR. BERMAN: I would second that. I think
25 that for the committee meeting to be effective, there

1 should be a representative from the Trust legal department.

2 I don't think you can put that plan together
3 without their being there and saying, "We want to do this
4 plan and we need your advice and assistance."

5 FACILITATOR KERN: Well, it seems like over
6 the years, there has been this communication through the
7 project program manager, and maybe as we get to these
8 places where there's a real strategy being developed, you
9 know, that it's time to get everybody in the room that
10 needs to be.

11 MR. BERMAN: Yeah. It seems to me from what
12 Craig has said that Caltrans is refusing any further
13 meetings. So you're really up against a wall without some
14 kind of plan to do something without legal action.

15 I think having the Trust legal department
16 there and be ready for some disappointment.

17 FACILITATOR KERN: Let us move from this
18 item -- and I -- we're going to run into a time issue.
19 There's a lot more here than we can deal with.

20 I can -- speaking for myself, I'm
21 particularly interested in Craig's last shot at the cost
22 information. So if you could look through what -- the rest
23 of the stuff --

24 MR. COOPER: This slide I want to end up
25 with.

1 FACILITATOR KERN: We have about 23 minutes
2 to 9:00 and then we can negotiate for more time if people
3 want to stay any longer.

4 MR. COOPER: So there's new unknown
5 contamination site. It's called the tin can garbage area.
6 It was discovered by some environmental consultants working
7 for Forest City who were doing some more detailed kind of
8 -- when's called a Phase I environmental review of
9 documents.

10 The environmental documents associated with
11 the Public Health Service Hospital building itself. As you
12 know, Forest City is the Trust development partner on that
13 building and they were checking into some -- some old
14 historic documents with that and they found a map from
15 1927, something like that that had a little circle on it
16 that said "tin can garbage area," and so -- and there was a
17 couple other issues that also popped up from their review.

18 And so they went out and took some samples,
19 soil samples in and around the building looking for lead,
20 some pesticides and this particular garbage area, and the
21 garbage area, because of the potential expense associated
22 with them, the Trust, you know -- and the information that
23 we have so far, it appears that there is something there
24 buried in this particular area. It's basically right in
25 front of the old hospital building.

1 You know, it's called the connector building,
2 that kind of connects the two wings. It's kind of under
3 the connector building right now, if you kind of want to
4 know where it's located, and it appears to have elevated
5 concentrations of lead in it.

6 Forest City didn't do a real broad range of
7 testing on it, so we have some pretty limited information
8 so far, but -- then Forest City produced a document called
9 a Soil Management Plan, which was basically how they're
10 going to manage contaminated soil when the -- when the
11 wings are being demolished and the connector building is
12 being demolished, and so they acknowledged that there's a
13 couple, you know, problem spots here and there around the
14 perimeter of the building.

15 And so the soil management plan discusses how
16 they're going to address those problem spots, how to keep
17 it from spreading around.

18 That document was spread to DTSC and DTSC's
19 looking at it right now.

20 The regulatory side is being now kind of
21 handled by DTSC, and as far as a potential claim for
22 unknown contamination, the Trust sent out notices to Zurich
23 and the Army.

24 Basically for administrative reasons right
25 now, we, you know -- depending on how DTSC lands on this,

1 this may or may not cause a lot of costs to be incurred,
2 but still to save ourselves administratively, we need to
3 get our notices out.

4 FACILITATOR KERN: Craig, with the -- if
5 there is material found, is the Trust in charge of the
6 cleanup or is Forest City? Who's managing it -- now that
7 there's something found, is this now a CERCLA site? Is
8 it -- or is it like under some development umbrella? Are
9 they going to try to deal with it? Who's going to drive
10 this? Is it going to come to the RAB --

11 MR. COOPER: All --

12 FACILITATOR KERN: -- examining all the data
13 and all that stuff?

14 MR. COOPER: All really good questions.
15 I've been trying to balance our need as a RAB request to
16 try to get work developed by developers.

17 Remember we talked about this before when a
18 developer is working on a building. Why don't we try to
19 have them absorb some of the costs.

20 If they bump into things or, you know -- you
21 know, so again, this whole issue that we were just talking
22 about with Jan earlier, stop stealing the bank for the
23 known sites, you know, paying for unknown sites.

24 So I've been -- so my talking with, you
25 know -- the Trust talking with Forest City has been going

1 in that direction.

2 Of course when you go in that direction,
3 they're like, "Well, you're going to have to let us kind of
4 set up our strategy on how to deal with things," and we
5 said, "Okay, but everything needs to be cleared by DTSC so
6 it's all above board."

7 FACILITATOR KERN: Right. We'll scream
8 big-time. I mean, this group will go crazy if there's no
9 accounting for stuff, I mean, particularly a site where
10 people are going to live.

11 MR. COOPER: Right. And the soil management
12 plan which got sent out, because it's a public document
13 with DTSC.

14 If you want to take a look at it, you're
15 certainly welcome to take a look at it. It recommends
16 strategies to deal with all three things.

17 I wasn't going to let something go out that I
18 thought was a joke or not protected or something like that.

19 Because you're dealing with another party,
20 it's not a hundred percent what Craig Cooper would want,
21 but I don't think it's a bad plan.

22 I think if you read it over and then if I
23 explained a couple things, you would understand and go
24 okay, but I'm more than -- right now it's in DTSC's hands,
25 and so --

1 FACILITATOR KERN: We're not going to see
2 you anymore.

3 MR. COOPER: And you're not going to see me
4 anymore.

5 You can put that as an agenda at the
6 committee meeting. I think it would be the perfect place
7 to talk about it, and you can talk about those three things
8 that identified the lead-based paint in oil which Forest
9 City said we're going to follow the lead-based paint plan,
10 for example.

11 That's put in their document, how these other
12 things are going to be addressed.

13 FACILITATOR KERN: I definitely don't want
14 to hold up the meeting.

15 MR. COOPER: That's new information that's
16 just come in the last three months that I definitely wanted
17 to give you guys a heads-up on.

18 FACILITATOR KERN: I was just noticing that.
19 Is the Trust in control of what they do? Do they have to
20 report --

21 MR. COOPER: Yes.

22 FACILITATOR KERN: -- to you?

23 MR. COOPER: Yes. It's our property, you
24 know, so basically the -- it would be their -- they're
25 acting like our contractor, kind of what we talked about at

1 937 that we hoped to be flowing into, as well.

2 DTSC has said several times that they have no
3 relationship with Forest City, no relationship with Foggy
4 Bridge Winery or anything like that. They only have a work
5 relationship with the Trust.

6 So all the work would be under Trust control
7 and they would be acting on our behalf.

8 FACILITATOR KERN: So we're really used to
9 getting all the documents. I get all of them. I haven't
10 necessarily seen this.

11 MR. COOPER: Yeah, and I could have, you
12 know -- it's -- I think I've got a PDF of it now. It's a
13 public document.

14 FACILITATOR KERN: Okay.

15 MR. COOPER: So it's with DTSC and it won't
16 be approved as written. There's -- it's -- there's been
17 discussions with Forest City and my management and Dan's
18 already taking issues to Tony.

19 So it's kind of a fast-track project, but
20 there will be more work done there.

21 FACILITATOR KERN: Okay. Well --

22 MR. COOPER: Would you like to take a look
23 at it?

24 FACILITATOR KERN: I think it would be
25 really good --

1 MR. COOPER: Yeah.

2 FACILITATOR KERN: -- just so this group
3 feels, I think rightly, that -- anything having to do with
4 contamination on the Presidio, that is our bailiwick.

5 MR. COOPER: Right.

6 FACILITATOR KERN: We need to know.

7 MS. BLUM: I'd like to request that we look
8 at the cost per hour that the contractor is going to bill
9 the Trust for the work that they're doing versus what it
10 would cost us if the Trust were doing the work.

11 If there's a cost factor in here, I'm sure
12 it's times three or something, at least that large.

13 FACILITATOR KERN: There's a whole range of
14 things.

15 MS. BLUM: Money. All the money.

16 MR. COOPER: Right. I hope you can
17 appreciate, you know, that there's a balance and we want to
18 try to integrate developers in to helping us with some of
19 these cleanups and there will be a little bit of tradeoff
20 on that.

21 Hopefully nobody has to swallow any
22 principles on protectiveness of human health and the
23 environment or nothing like that, but --

24 FACILITATOR KERN: We just need to begin to
25 understand who's negotiating what and then we can say,

1 "Hey, our principles are being violated."

2 MR. COOPER: All the comments should come to
3 the Trust. Exactly.

4 FACILITATOR KERN: We have to know that.

5 MR. COOPER: All comments should come back
6 to the Trust and the Trust will be the vehicle to work with
7 our contractor on improving the document as necessary.

8 Okay. So here we go, moving along. The
9 other thing, this one is on 1065, we're in petroleum
10 cleanup. We started construction the last phase of cleanup
11 in our 1065 area.

12 That's building 1063, so we're doing a bunch
13 of digging. That is the famous historic building.
14 Building 1063, we're down on the Thornberg area.

15 The Trust has a big redevelopment strategy
16 for Thornberg. We're trying to get proposals in, and 1063
17 is where the water recycle plant is planning on going.

18 Remember that whole story? Anyway, we're
19 finally doing the final phase of petroleum cleanup around
20 that building.

21 As -- that's the man over on the right-hand
22 side is not a budget. The photograph just is stretched in
23 a way, because I wanted to show you guys this, as well.

24 You can see the shoring that we had to put up
25 on the backside of this building because it is a historic

1 building, so we had to in a way understand how not
2 undermine the foundation of the building or cause a portion
3 of the building to collapse.

4 So we've had to incur quite a bit of
5 additional cost to comply with the National Historic
6 Preservation Act to get this last bit of petroleum
7 contamination in and around this building. Just so you
8 know.

9 1349, which is another corrective action plan
10 site. The CAP is signed. We got the design documents with
11 Devender. We're going to meet with Devender tomorrow
12 morning.

13 I'm feeling really good about this project.
14 We're going to break ground this year, at least that's what
15 I hope. We want to get that project before any heavy rains
16 because it's going to be caught up with reforestry. It's
17 at the World War II memorial area, just above fill site 5.

18 Two corrective action plans breaking ground.
19 The third and final corrective action plan is 207/231 will
20 be breaking ground next summer.

21 The revised design documents are now out,
22 people are looking at them. We hope to have our
23 stakeholder meeting on the 12th and get that design
24 finalized so we can start that next summer.

25 I'm going to skim over ten closures. Mini

1 caps, field distribution, lead-based cleanups are moving
2 along. There's the numbers for lead-based cleanup,
3 miscellaneous. Our land use control plan is still in
4 operation.

5 The mustard agent site, I am going to send a
6 letter to DTSC tomorrow. I finished looking at the Army's
7 completion report. I'm comfortable with it.

8 There's some caveats I'm making -- it's a
9 letter going from me to DTSC, because DTSC's the lead
10 regulator of the Army regarding the investigation of the
11 mustard agent sites and related sites.

12 I put some caveats in there. The Army still
13 has some homework to do on a couple other sites outside the
14 mustard agent site, and I'm going to do what's called a
15 land use notification for the mustard agent site DTSC which
16 is -- I was going to say I'll add my two bits when you're
17 done here.

18 MR. COOPER: Okay. But I've been working
19 with Mark Frey and the Trust operations department and
20 we've got a field crew lined up to take down the fence.

21 We'll take down the fence in the redwood tree
22 zone. We'll modify and leave some of the fence still there
23 in the native plant zone because that's going to be the
24 last -- you know, that's going to be a native plant
25 restoration area.

1 So anything to add on that?

2 MR. BOGGS: We finished our review. I met
3 with my management last week. We're in basic agreement,
4 probably right in line with the Trust.

5 Our kind of caveats are something along the
6 lines of a land use notification for the area where we
7 found it; i.e. workers or anything that's done in that
8 area, they need to be trained, et cetera.

9 The Army actually recommended that in the
10 report. It's just how do we codify that in the lumber or
11 what have you.

12 The extent of the training that will be
13 involved, we need some input from the Army, and I think
14 Craig was alluding to the -- there was other sites based on
15 other things that came out of the ASR, the archive search
16 report that -- there's other sites that they have to look
17 at for chemical contamination that was related to some
18 munitions and things that they used here.

19 So there's still some follow-up on the ASR,
20 but we're basically writing a letter saying that for the
21 chemical warfare materials, no additional investigation at
22 this time.

23 MR. COOPER: All right. So the fence is
24 coming down after five years.

25 MS. BLUM: Five years.

1 MR. COOPER: These are the three tables that
2 we used to brief you guys. The actual official quarterly
3 financial report will go out this week or next week.

4 Everybody who wants a copy can get a copy,
5 and I sent a copy to Doug and Mark.

6 So as far as -- the first table that we go
7 over are the biggest movers as far as costs, and -- oh.
8 The last three pages of these slides are in big font, the
9 last three pages of your handout if you want to skip to
10 those last three pages.

11 Basically just look at the first column. You
12 can see in this period of July, August and September, this
13 is what we've spent.

14 These are the biggest cost items for this
15 period, and, you know, we broke ground on Baker Beach 1 in
16 July.

17 So obviously we paid, you know, a pretty big
18 invoice. A big invoice or two has already come in on that,
19 and this was probably an invoice on Baker Beach 2A, as
20 well.

21 There was probably some tail end design
22 invoices coming in from MacTech, our designer and some
23 construction related invoices coming in on those projects.

24 So --

25 FACILITATOR KERN: Is your current

1 projection from Baker Beach 1 11.6?

2 MR. COOPER: That is our current projection.
3 So that's -- that's everything.

4 FACILITATOR KERN: Even with all increases
5 in volume and all that?

6 MR. COOPER: Right.

7 FACILITATOR KERN: Okay.

8 MR. COOPER: That's my understanding. It
9 should be -- yeah. Alan should have met with George and
10 updated his cost projection with all of the new volume and
11 toxicity information, yeah.

12 MR. BERMAN: Originally in the MOU, that was
13 estimated at what? Three million.

14 MR. COOPER: Five. For Baker Beach 1 was
15 five point something million. Not in the MOU now. There
16 was no cost estimates in the MOU by the Trust backup stuff,
17 the 1999 cost estimate.

18 Okay. The next table is --

19 MR. BERMAN: That was actually done by EKI;
20 right?

21 MR. COOPER: That was done by EKI, mm-hmm.

22 So again, this is not surprisingly our
23 biggest movers.

24 EAC is estimate at completion. That's the
25 overall budget start to finish for a project. You can see

1 that we encountered some pretty big increases at the Baker
2 Beach 1 and 2A projects.

3 The increases during this particular period
4 were primarily related to that volume increase at Baker
5 Beach 1. That gully that we encountered was full of
6 California hazardous waste. So that was a big share of it.

7 We did get some income from the, you know,
8 Park Service and the Conservancy for their share of the
9 Merchant Road and we were showing that as offsetting costs,
10 and Alan has been instructed not to show that as offsetting
11 costs, that that will be shown as income under our new
12 financial status report.

13 So we actually pushed those costs back into
14 the Baker Beach 1 project, and I think rightly so. Those
15 are real costs, and then we have an income stream that
16 helps us pay for some of these costs.

17 So we did some corrections on the EAC for
18 that. Basically bumping -- bumping it back up again.

19 And then the other thing was we had a
20 contingency -- all of our sites have contingencies. This
21 one -- we've zeroed out our contingency, so that -- we've
22 been able to eat up some of the increase by doing that, but
23 not all of it, obviously.

24 MR. BERMAN: So is that considered income?

25 MR. COOPER: It's considered income, and we

1 get grant money --

2 MR. BERMAN: When the contingency when you
3 zero out --

4 MR. COOPER: No. We just zeroed it out.

5 MR. BERMAN: It just means a cost reduction.

6 MR. COOPER: Right. So we had like a
7 \$700,000 contingency, but a multi-million dollar increase,
8 so when that -- we zeroed out the contingency, so that our
9 new budget as a contingency.

10 So the 700,000 swallowed up some of the
11 contingency, but not all. They are there to swallow up the
12 increases, but the increase was much less larger.

13 If the increase was 700,000, it never would
14 have shown it as a net increase. We just would have been
15 pushing our contingency smaller and smaller and smaller and
16 everything would have been fine.

17 Because a contingency is a planned increase,
18 and we had increases above and beyond our -- our
19 contingency number.

20 MR. BUDROE: Craig, will the settlement by
21 the Army for 2A wind up going in as income, also?

22 MR. COOPER: Right. That will be on the
23 income side.

24 When you see this quarter's financial status
25 report, you're going to see a slightly different format in

1 a couple tables where we're going to show just costs and
2 budget only and then we'll see an income revenue stream
3 type budget, because we're -- we don't want to mix -- mix
4 those two streams, so you'll see a couple extra tables in
5 our financial status report.

6 And so this last table basically is the big
7 picture table.

8 Just a couple things to keep in mind. I know
9 that we're working on redoing this one. This is basically
10 the total cost for year budget column.
11 Originally we thought it was 108 million. If you go down,
12 our current overall budget is now 150.9 million, and this
13 is our money column.

14 You know, we initially got 99 million from
15 the Army. Of that 99 million, we've got 65.8 million, but
16 we've gotten this amount of interest already.

17 So the amount that we have in the bank right
18 now is 51.1 million dollars. Because we've -- we've gotten
19 -- this is the total -- actually this is the total interest
20 here. I'm sorry. 17.9.

21 So we got 99 million. We spent 65. We got
22 this much interest and this is how much we have in the
23 bank, 51.1 million left.

24 MR. BUDROE: That will change when that
25 settlement comes in?

1 MR. COOPER: Mm-hmm. That is a good
2 question, because we're tracking -- that's another thing
3 we've been trying to do. We want to track the initial Army
4 money -- I don't know. I'd have to have Alan answer that
5 question.

6 All income streams will be reported. All
7 money spent will be reported.

8 This -- as you know, this only tracks that 99
9 million of initial Army money, so I think we have -- so we
10 don't start confusing ourselves in the future, because
11 everybody's used to the initial 99 million and how much is
12 left of the 99 million.

13 I'm sure Alan is creating a really good table
14 to help us keep all that straightened out.

15 FACILITATOR KERN: Yeah. For those of you
16 that know about income statements, balance sheets, things
17 of that kind, we've been working together to produce
18 something that will identify these various incomes as they
19 come in. So it will be very obvious.

20 MR. COOPER: Yeah.

21 FACILITATOR KERN: Yeah.

22 MR. BACH: Are these like settlements, not
23 really income?

24 MR. COOPER: Settlements will count as
25 income, yeah. That's an accounting term.

1 FACILITATOR KERN: All right.

2 MR. COOPER: All right. It's nine o'clock.

3 Peter's putting on his jacket.

4 Any questions on that or --

5 MR. BERMAN: So just as a ballpark, it says
6 28.5 million is overrun.

7 MR. COOPER: Right.

8 MR. BERMAN: How much of that is going to be
9 offset by the income? 2.3 from the Army and something from
10 the Conservancy? Maybe three million --

11 MR. COOPER: Right.

12 MR. BERMAN: -- offset.

13 So it looks like 25 million, and what is the
14 total at this time? What's missing on there, what is the
15 total internal staff cost inside the Trust for this
16 project, for the remediation?

17 MR. COOPER: For Baker Beach 1 or total
18 program-wide? This is our total amount that we think it's
19 going to take.

20 MR. BERMAN: No. There's internal costs.

21 MR. YOUNGKIN: He wants Trust.

22 MR. BERMAN: What's called -- your salary
23 and all your staff and everything else.

24 MR. COOPER: Oh, admin.

25 MR. BERMAN: I guess you call it admin. I

1 wouldn't call it admin. It's internal project cost.

2 MR. COOPER: Right.

3 MR. BERMAN: I want -- I wondered if you
4 have -- why can't that number be up here, also?

5 MR. COOPER: Oh, you want to start tracking
6 allowable versus unallowable?

7 MS. NEWTON: He wants to see the entire
8 budget of the Presidio Trust.

9 MR. BACH: Itemized.

10 MS. NEWTON: Remedial action.

11 FACILITATOR KERN: For some reason, it's all
12 zeros.

13 MR. COOPER: That includes the Trust labor,
14 the 150.9, because we've allocated it out as a project.
15 That's what the financial group decided to do when you look
16 under -- yeah.

17 This number here, zero, it's because it's the
18 footnote which doesn't show here says that Trust admin
19 costs are allocated into the project, so it shows up here,
20 yeah.

21 FACILITATOR KERN: But it is being tracked.
22 I mean, they know the number.

23 MR. BERMAN: You have the number. So
24 it's -- you know roughly what it is?

25 MR. COOPER: What our admin costs are per

1 year?

2 MR. BERMAN: Total. Total at this time.

3 MR. COOPER: Oh, off the top of my head, no.
4 I know you're concerned about allowable versus unallowable.

5 MR. BERMAN: Yeah.

6 MR. COOPER: We have -- in fiscal year '08,
7 we transferred four remediation staff. Their salaries are
8 not being paid by the Army money anymore.

9 They're being paid by the Trust general fund,
10 so we've started that -- we said that we were going to do
11 that and now we've started that process of transferring
12 people, my staff off of the Army money and on to the Trust
13 fund, which means that we can maximize allowable
14 expenditures with the Army money.

15 I think Sam, that was going that you brought
16 up a while back.

17 MR. BERMAN: Yeah.

18 MR. COOPER: I said that I was working on
19 it. We finally have now started that project. Hopefully
20 we'll maybe transfer another person or two in fiscal year
21 '09, as well. Okay.

22 MR. BERMAN: So the final question for your
23 final RAB meeting is at this moment here, what's your best
24 view as to whether -- there'll be enough done by 2013 --

25 MR. COOPER: My view. I was just thinking

1 about this just a couple days ago. We really got to get
2 RAP5 going.

3 I know that RAP4 is a focus priority group,
4 but I think when you guys meet at the stakeholder's Summit
5 meeting in January, if we're going to be serious about
6 making this, I think we're going to have to hire --
7 Genevieve is going to be our project manager for RAP4 and
8 the 937 project.

9 The Trust may have to hire someone to be a
10 project manager on RAP5 and DTSC may have to -- I mean,
11 we're going to really -- really start pushing.

12 It -- these projects -- RAPs can go
13 concurrently if you have the staff to do it. There's
14 nothing stopping that from happening.

15 It's just a resource problem, and I think
16 that that's my parting shot is that don't wait to start
17 working on RAP5, is push the Trust and the Park Service and
18 DTSC to get the staff together to make a commitment to
19 start kicking out RAP5 before the -- before the end of 2008
20 I would say is at least a fair, you know, goal.

21 MR. BERMAN: Okay.

22 MR. COOPER: That's my parting shot.

23 MR. BERMAN: That's a partial answer. The
24 rest of the answer has to be at what year does the last
25 digging have to begin in order to make the 2013?

1 MR. COOPER: You mean -- okay. So it's May
2 2014 is when the insurance policies expire. So, you know,
3 it basically takes us, you know, six months to, you know,
4 dig up a big landfill or, you know, probably six months to
5 cap a big landfill, and for those -- as you know, those
6 last invoices have to be in and paid before --

7 MR. BERMAN: Right.

8 MR. COOPER: -- May.

9 So you can do -- 2013, we should be kicking
10 off the last of our big construction projects to make sure
11 that those invoices are paid before May of 2014.

12 We're working on a similar flow chart with
13 Zurich about some of those end-of-the-road issues that
14 aren't really clear in the insurance policy.

15 MR. BERMAN: So will -- will the ghost of
16 Craig Cooper come back in year 2013?

17 MR. COOPER: I would love that. I'll -- you
18 know, if God grants me life to 2013 and 2014, I
19 will -- and whether I'm a Bay Area resident or not, of
20 course, I've given a lot of time, you know, on this
21 project, so I'm going to be always interested to see how
22 things happen and see how things progress and hopefully
23 there will be this huge party in 2014 and 2013 to see if
24 it's a hundred percent done or at least 99 percent done.

25 MR. BERMAN: I'd like to -- to make a motion

1 that the RAB commend Craig Cooper for his efforts and
2 cooperation and to thank him for his years of effort here
3 and seeing this project to the point that it is today.

4 MS. BLUM: Second the motion.

5 FACILITATOR KERN: Any discussion? All in
6 favor, please say aye. Opposed?

7 (Applause).

8 MR. COOPER: Thanks, and if you can drop by
9 on the afternoon of the 19th, have a -- some punch or wine.

10 MS. NEWTON: No wine. That was the follow-
11 up e-mail.

12 MR. NARALA: No alcoholic beverages.

13 FACILITATOR KERN: We received a second
14 notice that said we couldn't bring wine.

15 MS. NEWTON: For those of us who were
16 planning on bringing a bottle of liquor, I guess.

17 MR. COOPER: I thought we had gotten it
18 okayed as long as it was publicly -- like when the Trust
19 has a function at the O Club, alcohol is served.

20 All right. We will share a 7-Up together,
21 then.

22 FACILITATOR KERN: Let me wrap this up so we
23 can just check off our action items and then we can --
24 check out of here.

25 Anything from Bob or Devender tonight?

1 MR. BOGGS: No.

2 FACILITATOR KERN: So we already covered
3 item 7.

4 Review of action items. We're going to try
5 to get -- I'm going to put Mountain Lake on our committee
6 meeting, strategize, get that together, and --

7 MR. BERMAN: Will the presence of -- I think
8 we should do that with someone from the Trust legal
9 department present. I don't see how we can really do that
10 without that.

11 FACILITATOR KERN: Agenda items go to Mark
12 for that meeting.

13 Anything before we close tonight for the good
14 of the order?

15 MR. YOUNGKIN: Christmas party. Are we
16 having a meeting here or a party at Julie's house?

17 FACILITATOR KERN: I guess from what I heard
18 tonight, we'll have some business going in two weeks and
19 then two weeks from then when the Christmas party will be
20 seems like we'll still need to check in about Mountain
21 Lake.

22 My current thinking is to keep our own
23 momentum going, that we should have at least a small
24 business meeting. So I would -- I guess here is what I
25 would say.

1 Seeing no opposition.

2 Anything else for the good of the order
3 tonight? Then again, our thanks to you, Craig, for your
4 service.

5 MR. COOPER: Thanks, everybody. It's been a
6 pleasure. It really has.

7 FACILITATOR KERN: Without objection,
8 meeting adjourned.

9 (The meeting adjourned at 9:10 PM).

10 ---o0o---

1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

3

4 I, the undersigned, hereby certify that the discussion in
the foregoing meeting was
5 taken at the time and place therein stated; that the foregoing is a
full, true and complete
6 record of said matter.

7 I further certify that I am not of counsel or attorney for
either or any of the
8 parties in the foregoing meeting and caption named, or in any way
interested in the
9 outcome of the cause named in said action.

10

11

IN WITNESS WHEREOF, I have

12

hereunto set my hand this

13

19th day of November,
2007.

14

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16

Mark I. Brickman CSR No. 5527

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<p>A</p> <p>ability 64:5,6</p> <p>able 7:19 13:22,23</p> <p>49:21 51:8 62:11</p> <p>79:22</p> <p>aboard 6:25</p> <p>absolute 60:4</p> <p>absolutely 51:16</p> <p>absorb 68:19</p> <p>accelerated 36:3</p> <p>accept 50:8</p> <p>access 25:1</p> <p>accounting 49:9 69:9</p> <p>82:25</p> <p>acknowledged 67:12</p> <p>act 56:2 74:6</p> <p>acting 70:25 71:7</p> <p>action 3:13 9:13 11:15</p> <p>11:16 35:1 37:7,23</p> <p>37:24,24 38:4 41:10</p> <p>41:21,22 43:10 56:8</p> <p>63:11,17 64:23 65:14</p> <p>74:9,18,19 84:10</p> <p>88:23 89:4 91:9</p> <p>actions 56:15</p> <p>actual 35:14 53:15 77:2</p> <p>add 75:16 76:1</p> <p>addendum 19:10,14</p> <p>additional 35:3,20 74:5</p> <p>76:21</p> <p>address 67:16</p> <p>addressed 70:12</p> <p>addresses 37:20</p> <p>adequately 57:19</p> <p>adjourned 90:8,9</p> <p>Adjournment 3:14</p> <p>admin 83:24,25 84:1</p> <p>84:18,25</p> <p>administrative 67:24</p> <p>administratively 68:2</p> <p>admit 29:4</p> <p>advance 43:2,5 53:16</p> <p>advanced 7:8</p> <p>advice 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PRESIDIO RESTORATION ADVISORY BOARD MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, DECEMBER 11, 2007
OFFICER'S CLUB, BUILDING 50
PRESIDIO, SAN FRANCISCO, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR, RPR
License No. 5527

ATTENDEES

RAB Members:

Doug Kern, Facilitator

Mark Youngkin

George Ford

Brian Ullensvang

Bob Boggs

Devender Narala

Peter O'Hara

Jan Blum

Sara Segal

Sam Berman

Jan Monaghan

John Budroe

Michelle Passero

Edward Callanan

John Chester

Barbara Newton

Toni Kramer

David Bach

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on December 11, 2007, at the Officer's Club, Building 50, Presidio of San Francisco, California, before me, MARK I. BRICKMAN, CSR No. 5527, State of California, there commenced a RAB meeting under the provisions of the Presidio Trust.

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1 FACILITATOR KERN: Welcome, everyone to the
2 regularly scheduled Presidio of San Francisco Restoration
3 Advisory Board meeting, our last regular meeting of 2007.
4 Hard to believe.

5 I'd like to welcome the Presidio Trust and
6 their contractors, the National Park Service, our
7 regulators from the Water Board and Department of Toxic
8 Substances, RAB community members and any members of the
9 public that are here tonight, welcome.

10 Are there any changes, additions to the
11 agenda?

12 I should just say that even though it's
13 scheduled to go from 7:00 to 8:00, our meeting, which is
14 relatively short, if we can speed it up, we will and go
15 quickly to the party.

16 So are there any announcements or old
17 business?

18 Under this announcement, we have the Baker
19 Beach 1 and 2A status. I thought we'd check in with George
20 and see what the latest on the --

21 MR. FORD: Well the status is it's fine.

22 FACILITATOR KERN: Okay. Check.

23 MR. FORD: I suppose you're hoping for a
24 little more detail.

25 Yeah. It is -- we are in the process of

1 winding up the mass excavation, which is finished. We're
2 doing what I would call sort of the cleanup chores, which
3 include installation and development and sampling of
4 peisometers.

5 We have two surface water weirs that are
6 installed on Baker Beach 1 -- we actually have a spring
7 that flows. So those are -- have been installed, and we're
8 in the process of kind of debugging them and making sure
9 that the water flows over that way. They're supposed to.

10 We're working on signs. We're going to have
11 a suite -- in fact, roughly thirty post construction signs
12 that will be posted around the top of the bluffs and on the
13 beaches that warn people to stay away from areas where
14 there's a potential danger of falling rock, and, you know,
15 ask people to stay out of the areas where plants --
16 restoration planting is happening.

17 So those signs should be produced and
18 installed -- I'm guessing by the end of next week. We
19 actually had some draft sign language that everybody's
20 reviewing to make sure it meets everybody's requirement.

21 FACILITATOR KERN: Is that this kind of sign
22 language or --

23 MR. FORD: No. These are, you know, like
24 heavy plastic --

25 FACILITATOR KERN: Oh.

1 MR. FORD: -- rectangular signs that say:
2 "Don't go behind this sign."

3 MR. NARALA: Or you'll be --

4 MR. O'HARA: George, are you going to have
5 any barriers of any kind, either formal or preventive?

6 MR. FORD: Well, the -- we spent a lot of
7 time thinking about this, and the plan right now is that
8 there will be post and cable fences at the top of the
9 bluffs to essentially provide a boundary -- you know, a
10 visual boundary, and there will be signs urging people not
11 to go beyond them.

12 At the bottom of the slopes, what we're going
13 to do is put out a suite of signs to tell people that there
14 is some risk of rocks rolling down the hill, especially in
15 the wintertime, but the plan right now is not to put actual
16 physical barriers like rock catching fences.

17 We think that -- we've done scaling, hand
18 scaling of the cliffs to pry loose all the rocks that we
19 can, and so we -- we believe that that's got them cleaned
20 up enough that it will be safe for people to pass by on the
21 beach below them, but we will be setting signs out that
22 will discourage people from, you know, laying out their
23 towels and camping out right below.

24 So -- anyhow, the plan right now is not to
25 put any barriers up.

1 Now, if something changes in terms of future
2 conditions and we start having rock falls, you know, that
3 plan could change pretty quickly.

4 MR. O'HARA: One final question.

5 I'm somewhat familiar with the terms.

6 Could you be a little more descriptive of
7 what a water weir is?

8 MR. FORD: Sure. We have -- at Baker Beach
9 1, there's actually a number of springs that occur sort
10 of -- I would say they're mostly around the middle part of
11 the slope, and they kind of filter down into a small
12 ravine, and what we're doing is essentially putting a board
13 across the ravine that has a notch in it -- or one of them
14 actually has a pipe in it -- to provide a -- sort of a
15 controlled place for the water to flow.

16 I mean, it's kind of like we're collecting
17 water and then we're going to have it flow over at one spot
18 so we can then sample it there, and we know that we're
19 getting -- our sample is representative of the surface
20 water that's coming down from the upper part of the site.

21 MR. O'HARA: Is the natural ground porous
22 enough that it -- a senior moment here.

23 MR. FORD: Infiltrates?

24 MR. O'HARA: Yes. The water will leach out
25 from the -- perc out from the -- from the face of the -- of

1 the newly exposed --

2 MR. FORD: Yeah.

3 MR. O'HARA: -- surface.

4 MR. FORD: We have more springs than we had
5 before. I mean, I think before, when there was 50,000 tons
6 of fill sitting there, there were still, you know, probably
7 half a dozen small springs and one good-sized spring in an
8 area about halfway up the hill.

9 Because that -- they were all covered with
10 that soil, the water kind of percolated through the soil
11 and it really only came out in one spot, but now that all
12 the soil's been taken away, it's really a line of springs,
13 and it -- the springs -- the water is emitted right out of
14 the face of the slope.

15 It occurs in an area that geologically you
16 would pretty much expect it because there -- there's a
17 contact about halfway up the hill that has mostly a black
18 to dark gray Franciscan shale below and serpentine up
19 above, and most of the springs occur right where those two
20 rocks touch each other, and then it flows downward, mostly
21 over the shale, and where it flows over the shale, there
22 are portions of the shale that are completely weathered to
23 kind of a gray sticky mud, and by in large, the flow in
24 those areas is right up on the surface.

25 I mean, that mud doesn't allow much water to

1 infiltrate into the ground, but there are other areas where
2 the shale is harder, and so it's actually intact rock with
3 cracks in it, and in those areas, you know, the water can
4 both flow into some of the cracks and flow out of other
5 cracks.

6 So, you know, it's a little bit of both
7 depending on which spot you are on the site.

8 MR. O'HARA: Are there erosion concerns?

9 MR. FORD: Slightly. In fact, one of the
10 things that we have done is the upper weir has a bypass.
11 It has a three-inch HDPE pipe that is going to pipe most of
12 the water from the weir down to the beach because
13 we're -- the geotechnical engineers have told us that they
14 prefer not to have all of that water coarsing down the
15 slope, at least until the vegetation gets established.

16 Because right now, you know, it's pretty well
17 stripped. There are no plants on it, and that gray mud is
18 so sticky that -- that's a risk of eroding and moving, at
19 least until the willows sprout up.

20 MR. O'HARA: Thank you.

21 MR. YOUNGKIN: Is confirmation sampling
22 finished?

23 MR. FORD: Maybe is the answer to that.

24 We've done confirmation sampling everywhere
25 we planned to do it. We do have some exceedences that

1 we're working through with Brian right now, and, you know,
2 some of them -- there's kind -- there's a number of
3 different types of exceedences.

4 There's some arsenic there that seems like it
5 is probably associated with the shale, that the shale may
6 have higher arsenic contents in the serpentine, but there
7 are some other hits here and there that are not geology
8 related.

9 And so we're in the process of looking at
10 those and figuring out do we have to dig them up or can
11 they, you know -- could they stay or is there something in
12 between that can stay?

13 FACILITATOR KERN: Okay.

14 MR. FORD: I think the main ones that --
15 there's some dioxin. We had some dioxin occur -- there's
16 an area at the -- kind of one of the upper shoulders of
17 Baker Beach 2A right below the big -- the trees that are on
18 the bluff that we discovered kind of late in the game, and
19 so we're having some trouble there.

20 You know, I think we had a zinc hit, and
21 Brian, do you remember what else we had?

22 MR. ULLENSVANG: Pesticides.

23 MR. FORD: Zinc, DDT and some dioxin. So
24 that one's a problem.

25 But anyhow, we're trying to work through

1 those. It's possible that we'll go back and dig some more
2 here and there.

3 I think we're finished with the mass
4 excavation, you know, where we're moving hundreds or
5 thousands of yards of dirt.

6 MR. BERMAN: Is it possible that the -- the
7 arsenic is actually a natural -- naturally occurring in the
8 shale?

9 MR. FORD: Yeah. I think some of it
10 definitely is, but there -- there's some of it -- we were
11 also seeing some arsenic that might not be or probably is
12 not related to the shale, so that -- that has to be sorted
13 out.

14 MR. BERMAN: And your signs, are you going
15 to have a sign that -- at the bottom of the -- of the weir
16 or where the pipe comes down near the end, a sign saying:
17 "Water is not potable"?

18 MR. FORD: You know what? Yes, we are. I
19 hadn't thought of that, but I think that's -- I mean, I
20 think it's a good idea.

21 I think I would have to run it by Brian,
22 because it is Park Service land, but at least for the --
23 the thought is that that bypass pipe may only be there
24 through this winter and that if the willows spring up very
25 quickly the way we think they will, we'll then be in a

1 condition where we can take the pipe out and let the seeds
2 flow on the stabilized ground, but if we do get clear water
3 dripping out of that pipe, that might be a good idea.

4 I have to think it through because there
5 might be other things that we could do like put the -- the
6 outlet of the pipe, you know, buried in a nest of heavy
7 rocks or something so that -- you know, so that would flow
8 out, but nobody could get their canteen right under it.

9 MS. PASSERO: That might be a better way of
10 doing it, because if you put that it's not potable, people
11 may still use it.

12 MR. FORD: We've definitely seen that
13 already some people that look at prohibition signs for a
14 good suggestion of the next thing to do.

15 Well, it's funny. We laugh about it when
16 we're in here, but out on the beach and the slopes, people
17 can be very annoying. People ignore everything and just do
18 what they're going to do.

19 So -- but you know what? It's a good point.
20 I think we'll put that on the chore list and figure out how
21 we should handle that.

22 MS. BLUM: When does the planting begin?

23 MR. FORD: I think Mark has it scheduled
24 for -- no. Lew has got it scheduled for like the -- about
25 the middle of January, 10th, 12th, something like that.

1 MS. BLUM: So is the contractor completely
2 off-site now?

3 MR. FORD: No. They're still -- they have
4 some other things that they've got to do. They're building
5 a berm at Baker Beach 1 and installing a trail connector.
6 Because there used to be a trail that went across there and
7 we destroyed it, and so we've had to backfill -- there's
8 actually sort of a big canyon left when we're finished
9 digging.

10 We think that the Army may have excavated a
11 slot in the top of the hill that they would push
12 incinerator ash into and then push it out the end of the
13 slot so it wouldn't go down the hill.

14 So we had to backfill that slot with clean
15 soil, which we've done, and then we -- part of the
16 restoration was to build a -- a replica of the 1870
17 artillery berm on top of the backfill area, and that's
18 going on right now, and then there's the -- the coastal
19 trail is going to wrap around this berm, and so they were
20 actually working on those things today.

21 MS. BLUM: All right.

22 MR. BERMAN: But you wouldn't let them go
23 until you have the full confirmation; right?

24 MR. FORD: In theory, yes. In most of the
25 these jobs, you end up doing sort of a dance with the

1 contractor, and that at the end of the job, they are very
2 anxious to get going and move out and get on to the next
3 one.

4 That is the situation that our contractor is
5 in right now, and so we have some tools that we can use to
6 ensure that he stays here, and we have the ultimate tool
7 that can ensure that he'll come back, which is we don't
8 give him his final payment until he's done all the stuff we
9 want him to do.

10 So, you know, I think we still owe him a
11 couple of million dollars, so I think we have a pretty good
12 -- you know, my guess is he won't let that ride. If we
13 hold up the payment, he'll take our phone calls and do what
14 we ask him to do.

15 MR. O'HARA: George, is the additional
16 digging that you're talking about -- and I'm assuming that
17 that's what you're going to have the contractor do in the
18 event that it becomes necessary -- is that done on a T&M
19 basis or do you negotiate a new contract or do you feel
20 that the -- the remedial work that needs to yet be done is
21 part of the existing contract?

22 MR. FORD: Well, we have provisions in the
23 existing contract to add on the work, but the stuff that we
24 would ask him to do now if we do ask him to do additional
25 digging is pretty clearly extra work, and it would be

1 either time and materials or negotiated, a new negotiated
2 price.

3 So fortunately, most of the -- the most
4 troublesome areas are fairly close to the top of the hill,
5 which I guess is good news, but it's still a spot that's
6 fairly difficult to get to.

7 Partly there's some trees in the way of the
8 spot where you'd want to put a crane.

9 MR. O'HARA: So theoretically there's that
10 much digging that you'd have to do that you'd have to bring
11 those heavy pieces of machinery back to the job?

12 MR. FORD: Mm-hmm.

13 MR. O'HARA: Thank you.

14 FACILITATOR KERN: Anyone else?

15 MR. BERMAN: One other thing. There was
16 going to be a video made or other recordings of what was
17 going on there --

18 MR. FORD: Mm-hmm.

19 MR. BERMAN: -- so that posterity would see
20 the dramatic job that was done.

21 Has anything ever come from that?

22 MR. FORD: We don't actually have videos. I
23 mean, we have a few short clips showing the work, but we do
24 have roughly 15,000 still photographs at this point, and I
25 will have more before we're finished.

1 So the job has been well documented
2 photographically, and I've been looking at the pictures as
3 they've been coming out.

4 So -- and the plan is we're -- I'm trying to
5 work with our consulting engineers to -- we're going to
6 write a paper, professional paper about this job.

7 There may actually be several that end up
8 being written about it, so -- but since I hold the purse
9 strings, I'm not going to let anybody do anything until
10 they agree to make me the primary author.

11 MR. O'HARA: Good for you.

12 MR. FORD: But, yeah. We are going to try
13 to -- people seem to love hearing about the job, so it
14 seems like an obvious one to -- it's worth writing a paper
15 because people in the business I think could learn from --
16 learn how we did it and -- you know, and we certainly can
17 provide a list of dos and don'ts for somebody who is going
18 to, you know, try something like this in the future.

19 MR. BERMAN: Yeah. That's a narrow audience
20 and I would really perceive as the greater
21 value -- the greater value is to the community of users and
22 other people interested in the history of the CDO who would
23 probably not read your paper in a geophysical journal
24 because they wouldn't understand the jargon.

25 MR. FORD: Wait a minute. Don't you all

1 read the bulletin of the Seismological Society of America?

2 Actually, Sam, you got a good point. It -- I
3 have to think about that because we should -- I mean, I
4 think it's an interesting story even to people who are not
5 in the business.

6 So I know we could do something in, you know,
7 the various outlets that the Presidio already has going
8 like the Presidio Post and things like that, but maybe we
9 can go a little broader than that.

10 MR. BERMAN: Yeah, I mean, just throwing
11 something out, I think you should put together a glossy
12 which is for the public which sort of describes the -- the
13 whole process.

14 Because it's -- it's an example of everything
15 else that will happen later on, anyway, and this was so
16 dramatic and you got such nice pictures, to me, it's
17 something you turn over to the public relations department
18 and you say, "Hey, this is an outline of what I want to do"
19 and ask them to put together a draft.

20 MR. FORD: That's a good idea.

21 I know I've seen similar things. I actually
22 have a folder of glossy materials and a DVD that these
23 people who did the -- well, I'm thinking actually of the
24 Australian -- in Sydney, the Australian Olympic stadium --
25 a portion of the Olympic village was built on an unclaimed

1 landfill. So that might be a good idea.

2 MR. O'HARA: See what you've done, Sam.

3 George is not going to sleep tonight because of this.

4 MR. BERMAN: I don't think I've done

5 anything --

6 MR. FORD: I'll sleep, or I'll get up early.

7 FACILITATOR KERN: I'm going to move the

8 agenda. Everybody okay with the Baker Beach thing? We

9 still have some soil to move, maybe, maybe not.

10 MR. FORD: We're talking about tens of

11 yards.

12 The other thing that has to be done is old

13 Merchant Road is going to be moved Thursday morning. If

14 you feel sentimental about old Merchant Road, go say

15 goodbye to it tomorrow, because by Friday midday, it's

16 going to be a memory.

17 MR. YOUNGKIN: Did they bring some photos in

18 here for us later on?

19 MR. FORD: Yeah, but I was thinking -- I can

20 jump down to number 7; is that right?

21 FACILITATOR KERN: Always jump.

22 MR. FORD: The Trust is in the process of

23 hiring a new program manager. We interviewed a number of

24 candidates -- we interviewed nine candidates, narrowed it

25 down to two and then chose one of that list.

1 We expect her to start roughly January 14, so
2 she would not be attending the first -- the January -- the
3 regular RAB meeting, but would be attending the committee
4 meeting on the 22nd or 23rd, whenever that is.

5 And I guess I probably won't disclose her
6 name just because it's not official yet and I have learned
7 that if we get too far ahead of ourselves, we can jinx it,
8 but so far so good and we think we do have -- our top
9 candidate is likely to sign on the dotted line shortly. So
10 hope to have more news about that, too.

11 MR. YOUNGKIN: Her name's not Sharon, is it?

12 MR. FORD: No, it's not -- not Sharon. I
13 made sure that I was involved in the interview process to
14 make sure that we didn't have any names come out of the
15 past that nobody wanted to see again, so --

16 MR. YOUNGKIN: Good.

17 FACILITATOR KERN: Let us move on, then. We
18 checked off 7 as well as number 3.

19 The committee report. Mark wasn't there two
20 weeks ago.

21 Is there someone here that could help us with
22 that? I think we were talking about both items 5A and 5B,
23 starting in on those, and progress on item 7. So pretty
24 much moving the same agenda items. Nothing to add on that.

25 Moving to item 5A and B, this was the

1 promised send-out immediate drafts and that we would not
2 discuss it in detail at this meeting, nitpick any of it, so
3 we have the Mountain Lake cleanup strategy, which includes
4 six assumptions.

5 I appreciated those things that people sent
6 along to add, and then about sixteen steps and then a bunch
7 of list of documents, historical documents that can add to
8 this and a timeline for the -- starting in January of three
9 to six months.

10 I've had some comments tonight from folks
11 suggesting that we meet, form a committee and meet rather
12 readily with -- or quickly with the Friends of Mountain
13 Lake as quickly as we can and kind of get that going.

14 And then finally throwing out my train of
15 thought there.

16 MS. NEWTON: We have to meet with Friends of
17 Mountain Lake.

18 FACILITATOR KERN: And to have a full joint
19 meeting with both the RAB and Friends of Mountain Lake, and
20 we'd like to meet with smaller committees just to get ready
21 for that meeting and then to really kind of kick off this
22 process, have a meeting, a full RAB meeting and an invite
23 Friends of Mountain Lake, really have our strategy worked
24 out ahead of time, share this with them, their buy-in and
25 then kind of bring that together at the full meeting. Just

1 another idea for your consideration.

2 I hadn't intended to go through these things
3 in detail, but I've gotten a lot of good feedback from
4 folks, so everybody should have this.

5 You're still welcome to comment on it, but
6 the main thing I feel like right now is those of you that
7 want to participate in the Mountain Lake subcommittee or
8 working group or whatever we want to call it, is there
9 anybody that wants to publicly identify themselves here
10 tonight that would like to work on this? Let me add your
11 names.

12 MS. BLUM: Michelle Passero also raised her
13 hand.

14 FACILITATOR KERN: Very good. Thank you,
15 John.

16 MR. BERMAN: I'd like to make a
17 recommendation about doing this joint meeting.

18 I think it would be useful to have a -- kind
19 of a scouting meeting with -- a meeting with you and maybe
20 John and Michelle meet with their people who are sort of
21 heading that up first to say, you know -- just to feel out,
22 you know, whether --

23 FACILITATOR KERN: Yeah.

24 MR. BERMAN: What's going on, but I think
25 that meeting should -- should occur really as soon as

1 possible, because -- I mean, I feel like any more letters
2 coming from the RAB ought to also be co-signed by the
3 Friends of Mountain Lake, too. I think it would have a lot
4 more value.

5 So, I mean, I really recommend that you try
6 to have a meeting with those people, an informal meeting
7 with the idea of really having a more formal participation
8 together.

9 So I don't know that -- any of the names, but
10 I think it would be easy to find out.

11 FACILITATOR KERN: Mm-hmm.

12 MR. BERMAN: But I would urge you to do this
13 ASAP because we can't really write another letter without
14 having them as consignees.

15 FACILITATOR KERN: Mm-hmm. Very good. Any
16 other thoughts on Mountain Lake? Yes.

17 MR. BACH: One of the pieces that I
18 requested that you included in here was the history.

19 FACILITATOR KERN: Yes. At least a list of
20 documents.

21 MR. BACH: Right. What wasn't included in
22 this list of documents -- and also I think I'd like to have
23 the hard copies, as well -- was in fact the letter that the
24 Friends of Mountain Lake in fact did write on our behalf.

25 Didn't they distribute something, Jan?

1 MS. BLUM: I'm not aware that they --

2 MR. BACH: Didn't they --

3 MR. BERMAN: No.

4 FACILITATOR KERN: I don't know that they
5 ever wrote a letter, at least that they -- I have never
6 seen the letter.

7 MR. BACH: I remember there was a dialogue
8 going.

9 FACILITATOR KERN: There was dialogue. We
10 did meet with them. There was -- they did have ideas that
11 they were going to meet with some of the people that they
12 knew who knew the Caltrans directors, things of that sort,
13 but I never personally heard what they did.

14 MR. BACH: Well, my recommendation, then,
15 would be let's move forward and we create a history that we
16 include that dialogue and maybe the contact people.
17 Because getting our allies together and having the names of
18 people, and if we're going to create, in fact, a
19 subcommittee, you know, having those participants I think
20 would be real significant.

21 FACILITATOR KERN: Okay. Very good.

22 Yes. This history doesn't really explain
23 what happened. It's really mostly a list of the documents,
24 but a more complete history would be a good addition.

25 MR. YOUNGKIN: Background.

1 FACILITATOR KERN: Yeah. Very good.

2 Anything else on Mountain Lake? We have Jan,
3 John, Peter, Michelle, myself so far on this.

4 MR. BACH: I can be added, too.

5 FACILITATOR KERN: Thank you.

6 Anything else on Mountain Lake?

7 Moving rather rapidly, we will take up
8 meeting informally with these folks and flushing out the
9 history and moving down this list, and I think we'll append
10 on to it all of our activities so that people can stay
11 up-to-date.

12 Moving right along, rushing on to the party,
13 all right. We have the proposed Summit agenda. That
14 received a few comments which I've added to this,
15 particularly getting a closing item with action items, due
16 dates, things of that, responsible parties. That was a
17 good suggestion.

18 There are some things buried in here.
19 There's a RAP5A and 5B, probably, which are only known to
20 me what those really mean, so somebody -- people will
21 eventually know and be offered my suggestion on that, but
22 that of course had a lot to do with the new program
23 manager, and there's a lot of decision-making to be done on
24 that. So these will be proposals.

25 I did ask for some things on the strategy

1 with respect to the insurance, and I was -- it was
2 requested that perhaps we don't get into a detailed
3 strategy session at a Summit meeting, but to get into more
4 general considerations around the insurance, and so that's
5 why I said that a little bit differently worded.

6 So really what this meeting is to do is to
7 welcome the new program manager, check off the
8 accomplishments that these meetings have done previously,
9 what we've been able to do by having these meetings, and I
10 think there are numerous accomplishments that we can
11 identify, look at the 2008 construction schedule, and that
12 should include the RAP3 area B sites and a few petroleum
13 sites, so there will be an extensive construction schedule
14 for 2008.

15 And then look at all the issues with respect
16 to RAP3, RAP5A and B and RAP6.

17 So there's a lot of issues there, and it's
18 possible that we may only get to RAP4 stuff because that's
19 right up front and the most urgent.

20 I think we need to touch on -- with the new
21 program manager. Hopefully she'll be there at least for
22 two years -- no. She'll have been there.

23 MR. FORD: Ten days.

24 FACILITATOR KERN: A week, ten days.

25 Financial projections. What's the cash flow

1 situation look like if we implement all these various
2 projects in a certain schedule? The insurance and then
3 close the meeting.

4 Any other thoughts about the proposed Summit
5 meeting agenda? Sam.

6 MR. BERMAN: The concept of breaking RAP5
7 into A and B, I was going to have a -- you pass out the
8 agenda to everybody, but is there going to be a preamble or
9 something --

10 FACILITATOR KERN: Absolutely.

11 MR. BERMAN: -- about it?

12 FACILITATOR KERN: Absolutely. For anybody
13 to even want to understand why there would have to be a
14 proposed scheduled and the cash flow statements to go with
15 that, so I'm -- I'm basically going to try to make a
16 proposal around that, why it makes sense to split it.

17 It will be for the Trust and the Park Service
18 and the regulators, their consideration and of course
19 yours. You will have a chance to look at it before the
20 Summit meeting.

21 So that will be some work over the holidays
22 for people to check out, but I think it will get us going
23 in the new year, something to talk about and consider at
24 the Summit meeting, but absolutely.

25 There's no way to just show up at a meeting

1 and it will go like a lead brick.

2 That will be something that we will review at
3 our January meeting.

4 MR. BERMAN: Even prior to that, presumably
5 you and Brian and George will get together and talk about
6 what -- so they can hear what your concept is since now
7 this is a solo refrain that's not been played yet.

8 FACILITATOR KERN: Yes. Well, it is
9 something that I did discuss with Craig and talked to him
10 about it, and it's not a new idea, splitting up this --
11 it's a huge -- everybody has been put into RAP5 pretty
12 haphazardly and it's becoming unwieldy and it just seems
13 like some people need to start considering what we're going
14 to actually do, because it's coming up.

15 RAP5 will have to be planned in my view along
16 with RAP4 for us to get everything done in time.

17 So without further annoying getting into that
18 in great detail, you're absolutely welcome to give me
19 further comments, but I don't anticipate you can really
20 comment until I give you something to chew on.

21 MR. BERMAN: The last thing about the agenda
22 is can't -- shouldn't it be something that will just put a
23 review of a schedule out till closing so
24 that -- because there's a tremendous amount of work to be
25 done before the -- the policy runs out, and I would hate to

1 see the Summit meeting close without people realizing that
2 this has to be really a stepped up schedule in terms of
3 speed if we're ever going to get any benefit from the
4 insurance.

5 FACILITATOR KERN: Really in order to do the
6 RAP5A and 5B, which they need a schedule, and so does RAP4
7 and so does RAP6, I'm going to propose a schedule for
8 everybody's consideration that gets the program done by the
9 end of 2012.

10 So that gives about two years and maybe a
11 year and a half to have time to file claims and all of
12 that.

13 So yes, we need a whole schedule laid out,
14 cash flow laid out for the whole program and at least a
15 proposal for people to chew on.

16 MR. BERMAN: There's a lot of work to do
17 between now and then to lay that out in a way.

18 If the senior managers are there, they've got
19 to see that the speed of work has to accelerate over what
20 it has been before now to a rate which is really astounding
21 when you look at it, what has to be done just in terms of
22 the amount of truck movement and all kinds of activities
23 here.

24 FACILITATOR KERN: It's been my
25 experience -- and George or Brian, you can correct me if

1 you think I'm off base, but this message, if it's delivered
2 respectfully and -- it's -- it sometimes has to be
3 delivered over and over and then it kind of filters up and
4 eventually the action of people doing the work get the
5 support they need when they finally say, "This -- I need to
6 sign this tomorrow," it doesn't ever seem to get down to
7 the urgency for -- they've got so many other projects, but
8 when it's like "you got to sign this next week or
9 tomorrow," then all this lead work helps a lot.

10 So I'm also doing it as kind of a
11 transitionary thing between Craig and the new person. From
12 our perspective, it's an incredibly urgent, incredibly
13 important -- from the public policy view, that this work
14 gets done and that we have done it in a timely fashion, and
15 the -- you know, George and all the Trust folks totally
16 know that.

17 So it's just a way of taking it off them
18 briefly in a public way and opening up the discussion for
19 all the managers.

20 When the particular schedule that I throw out
21 there, it doesn't mean anything more than it's a way to get
22 it done. There are probably an infinite variety of ways to
23 get it done.

24 All right. Anything else with respect to the
25 Summit meeting.

1 Bob or Devender, do you have anything for us?

2 MR. BOGGS: Let's see. My management is
3 going through a reorganization, so particularly in our
4 department, we're trying to get flat.

5 So who at what level's going to come to the
6 Summit meeting, it still waits to be decided.

7 Rick, who was here last time, is very worried
8 that he's going to lose his position.

9 FACILITATOR: Oh, really?

10 MR. BOGGS: Yeah. In fact, they're doing
11 workshops and everything for staff as far as how they're
12 presenting options for reorganizing and soliciting people's
13 input.

14 I don't think anything will be finalized by
15 the Summit meeting, but there's a lot happening.

16 FACILITATOR KERN: Will that impact this
17 possible use of those other DTSC folks?

18 MR. BOGGS: Most likely not. Other DTSC
19 folks, that's because of a Fed program. Basically the
20 program is not getting funding from the Army.

21 So there's people working in that program
22 that will be farmed out for work, so it's almost works hand
23 in hand is that there's a few people looking for work at
24 the same time we need extra support here at the Presidio.

25 MR. FORD: That might work out.

1 FACILITATOR KERN: Anything, Devender?

2 MR. NARALA: Yeah. Like last year, looking
3 back this year, basically, as a group here, we -- I think
4 on the petroleum leak sides, we have done quite a bit of
5 work. Commissary PX Phase I completed. 1065 -- building
6 1065 is right now ongoing. Construction is on. They have
7 excavated the outside.

8 They're waiting to go inside the building,
9 and the study area 1349, the work plan implementation was
10 approved, and actually I got a call from Jennifer Yata this
11 morning saying that she wanted to meet with me and other
12 stakeholders to see if we could do something end of this
13 year or early next year. That's pretty good news.

14 The last one I have here is the 207/231 work
15 plan draft plan. We're taking a look -- we have a meeting
16 tomorrow about it.

17 Other than that, we have quite a few closures
18 to be done. Actually, we have taken care of a lot of them
19 this year.

20 FACILITATOR KERN: That's definitely true.
21 There are no very large corrective action plans out there
22 to be done.

23 MR. NARALA: Not that I know of, no.

24 MR. BERMAN: Do you have an estimation --

25 MR. BOGGS: Except for 207.

1 MR. NARALA: Yeah. 207/231 needs to be.
2 More or less I'm talking about my involvement because I'm
3 trying to get the paperwork done for the Trust for them to
4 go out and do work.

5 MR. BERMAN: So do you have in mind a
6 closing date when you think all of the petroleum sites will
7 be finished?

8 MR. NARALA: I would like to do it by --
9 hopefully by end of next year.

10 MR. BERMAN: By the end of 2008? Does that
11 sound feasible, George?

12 MR. FORD: Yeah. You know, I looked at a
13 draft petroleum schedule a couple of days ago and I'm
14 kicking myself for not looking at it a little more closely,
15 but I think in terms of construction complete at all the
16 cap sites, the end of next year is possible.

17 I mean, they'll still be monitoring and the
18 usual odds and ends that -- you know, that kind of occur on
19 the tail end of every project, but we can get the
20 construction done by the end of then.

21 MR. NARALA: Again, the RAB has asked us to
22 get more involved more in the RAPs, also. With respect to
23 the RAP4, if that gets involved, more and more involvement
24 will be going on for a longer period.

25 FACILITATOR KERN: And Lobos Creek.

1 MR. NARALA: And Lobos Creek, yeah. So they
2 will be here for a little longer than that.

3 MS. BLUM: Devender, are you going -- is
4 your agency also going to be involved directly with the
5 restoration of the upper watershed at Tennessee Hollow as
6 well as the Doyle Drive rebuild? Are you going to be
7 working with the Trust and the Park Service on that?

8 MR. NARALA: Yeah. Most of every single
9 project, the way I work right now is I work with Bob and
10 see what we -- my involvement in the project is, and he
11 always checks with me and I always check with him, and if
12 there's an input on that site, the water site or quality
13 back, I give my input definitely.

14 We have worked very well the last couple of
15 years. It's working very good for us.

16 FACILITATOR KERN: Very good. Anything else
17 on -- from either of you?

18 Thank you.

19 We checked off item number 7.

20 The action items. To get on this Mountain
21 Lake strategy. We've got a committee formed. We're going
22 to move toward an informal preliminary meeting with the
23 Friends of Mountain Lake folks, begin the strategy, add
24 some background and history to the history part of it to be
25 able to append our further activities on to this document.

1 We've got schedules, cash flow, preparation
2 items for the Summit meeting. Those will come out
3 beginning of the year.

4 Any other action items?

5 MR. BACH: I have a question.

6 FACILITATOR KERN: Yeah.

7 MR. BACH: About the Mountain Lake, is there
8 somebody who's taking the lead on that and is there any
9 date for first contact with either a group or sending out
10 an e-mail or kind of a next step notification so that we
11 can expedite some activity on that?

12 FACILITATOR KERN: That's a good idea.

13 MR. BACH: Who of the group is going to be
14 the step-taker?

15 FACILITATOR KERN: Do we have a volunteer?

16 MR. BACH: Who knows most of the history,
17 Jan?

18 MS. BLUM: Pardon?

19 MR. BACH: Who knows most of the history?

20 MS. BLUM: The gentleman to my right.

21 MR. BACH: We don't want Doug to be the lead
22 here.

23 MS. BLUM: He will by default, so it doesn't
24 really matter.

25 FACILITATOR KERN: I certainly don't mind to

1 --

2 MS. BLUM: He's the most informed person on
3 the project, and I think --

4 MR. BACH: Doug, it sounds like you need a
5 co-chair, then.

6 FACILITATOR KERN: Well, we can certainly
7 use people actively involved. So I guess what I would
8 propose is not necessarily handling it at this meeting, but
9 I have five people that I can communicate, circulate some
10 proposals around meeting and getting our contacts
11 established with Mountain Lake, and we'll arrange it among
12 these folks, and I would get an e-mail out early in the
13 next day or two.

14 MR. BACH: Oh, wow. Okay. Great.

15 MS. BLUM: I think there's a broad level of
16 skills in the group, as well, and so I think it will
17 probably sort itself out really quickly.

18 FACILITATOR KERN: But I appreciate the --
19 the nudge. So we'll get it going.

20 Okay. And then hopefully within the
21 committee, as we organize ourselves, people can take on
22 roles, as Jan was saying.

23 Agenda items. I think we know what those
24 are. We're going to be talking about Mountain Lake. I
25 think the broader schedule and at our -- I want to review

1 with everybody this idea of how we might prioritize all the
2 sites.

3 I've given a first look to Mark. It's a big
4 spreadsheet, a bunch of criteria, waiting, scheme, pretty
5 scientific, I guess, but it's one way to categorize all the
6 things we might think with and rank all the sites and group
7 them in the different RAPs, and I'll, you know, run that by
8 Devender and Bob and George.

9 Craig's kind of done that. I'll run it by
10 Brian, and then once everybody kind of does that, we'll
11 bring it all together and see what everybody -- how it all
12 can blend together. So that's another agenda item coming
13 up.

14 Review of all those materials for Summit
15 meeting. So it will be a heavy agenda at the start of the
16 new year.

17 I really appreciate all of the work people
18 have contributed to this organization over the year, and I
19 look forward to working with everybody in the new year.

20 I guess I would say I would like to turn it
21 over to our holiday party organizers to let us know what we
22 need to do, and without further adieu or messing around,
23 without objection, meeting adjourned.

24 (The meeting adjourned at 7:54 PM).
25

1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

3

4 I, the undersigned, hereby certify that the discussion in
the foregoing meeting was
5 taken at the time and place therein stated; that the foregoing is a
full, true and complete
6 record of said matter.

7 I further certify that I am not of counsel or attorney for
either or any of the
8 parties in the foregoing meeting and caption named, or in any way
interested in the
9 outcome of the cause named in said action.

10

11

IN WITNESS WHEREOF, I have

12

hereunto set my hand this

13

day of _____,

14

2007.

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16

Mark I. Brickman CSR No. 5527

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<p>A</p> <p>able 25:9 33:25</p> <p>absolutely 26:10,12,24 27:18</p> <p>accelerate 28:19</p> <p>accomplishments 25:8 25:10</p> <p>action 3:17 24:15 29:4 31:21 33:20 34:4 37:9</p> <p>actively 35:7</p> <p>activities 24:10 28:22 33:25</p> <p>activity 34:11</p> <p>actual 6:15</p> <p>add 14:23 19:24 20:6,7 21:10 33:23</p> <p>added 24:4,14</p> <p>addition 23:24</p> <p>additional 14:15,24</p> <p>additions 4:10</p> <p>adieu 36:22</p> <p>adjourned 36:23,24</p> <p>Advisory 1:1 4:3</p> <p>agency 3:12 33:4</p> <p>agenda 3:14,11,18 4:11 18:8 19:24 24:13 26:5,8 27:21 35:23 36:12,15</p> <p>ago 19:20 32:13</p> <p>agree 16:10</p> <p>ahead 19:7 20:24</p> <p>allies 23:17</p> <p>allow 8:25</p> <p>America 17:1</p> <p>amount 27:24 28:22</p> <p>announcement 4:18</p> <p>announcements 3:5 4:16</p> <p>annoying 12:17 27:17</p> <p>answer 9:23</p> <p>anticipate 27:19</p> <p>anxious 14:2</p> <p>anybody 16:9 21:9 26:12</p> <p>anyway 17:15</p> <p>append 24:9 33:25</p> <p>appreciate 35:18 36:17</p> <p>appreciated 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